

6-12-2008

# State v. Thorngren Clerk's Record v. 2 Dckt. 36926

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IN THE  
SUPREME COURT  
OF THE  
STATE OF IDAHO

STATE OF IDAHO,  
PLAINTIFF-RESPONDENT,

VS.

DONNA KAY THORNGREN,  
DEFENDANT-APPELLANT.

*Appealed from the District Court of the Fourth Judicial  
District of the State of Idaho, in and for ADA County*

*Hon JOEL D. HORTON, District Judge*

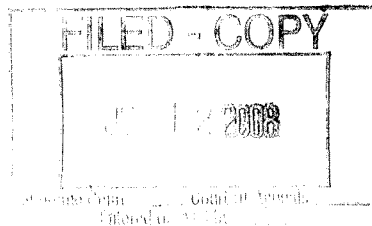
MOLLY HUSKEY  
State Appellate Public Defender

*Attorney for Appellant*

LAWRENCE G. WASDEN  
Attorney General

*Attorney for Respondent*

VOLUME II



36926

34806

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Idaho State Bar No. 3104

ATTORNEYS FOR DEFENDANT  
DONNA KAY THORNGREN

NO. \_\_\_\_\_ FILED \_\_\_\_\_  
A.M. \_\_\_\_\_ P.M. 1:40  
JUL 16 2007  
J. DAVID NAVARRO Clerk  
By \_\_\_\_\_

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	Case No. H0600792
Plaintiff,	)	
	)	<b>ORDER RE: DEFENDANT DONNA KAY</b>
vs.	)	<b>THORNGREN'S MOTION IN LIMINE</b>
	)	
DONNA KAY THORNGREN and	)	
AUSTIN DONOVAN THORNGREN,	)	
	)	
Defendants.	)	
_____	)	

This matter came on regularly for hearing on July 9, 2007 before The Honorable Joel D. Horton, District Judge, on Defendant Donna Kay Thorngren's Motion in Limine, filed under seal on June 25, 2007. The State appeared by and through Shelley W. Armstrong, Deputy Ada County Prosecuting Attorney, one of its attorneys of record. Defendant Donna Thorngren appeared in person and by and through Mark H. Manweiler, of the

firm MANWEILER, BREEN, BALL & HANCOCK, PLLC, her attorney of record.

The Court, having heard oral argument from respective counsel, and having considered the pleadings, affidavits and other documents on file herein, and good cause appearing herefore, IT IS HEREBY ORDERED AND THIS DOES ORDER as follows:

1. Part 1 of Defendant's Motion in Limine is granted in part and denied in part. Specifically, neither party shall offer any evidence of any prior sexual relationship between Faron Hawkins and Co-Defendant Donna Kay Thorngren. Further, neither party shall offer any evidence of any discussion initiated by Alice Vetter concerning any sexual relationship between Faron Hawkins and Co-Defendant Donna Kay Thorngren. The parties may offer general evidence of the duration and nature of the relationship between Faron Hawkins and Co-Defendant Donna Kay Thorngren and of her contacts and attempted contacts with him in 1980 and/or 1982. Unless adopted by Donna Thorngren, <sup>OR OTHERWISE  
SHOWN TO  
BE ADMISSIBLE,</sup> neither party shall offer any statements or questions by Alice Vetter to Faron Hawkins. The Court hereby reserves ruling on the issues surrounding any discussion of polygraphs and polygraph related issues until the hearing on the State's pending Motion in Limine.

2. Part 2 of Defendant's Motion in Limine is granted in part and denied in part. Specifically, neither party shall

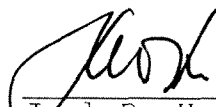
offer any evidence of the 1988 financial problems of the parties, but either party may offer evidence of the 1977 and 2000 financial problems of the parties.

3. Part 3 of Defendant's Motion in Limine is denied, because, at this point, the Court is unable to conclude that the State will be unable to meet the foundational prerequisites for the admission of the evidence in question. However, the State will be required, prior to admission of the gunshot residue evidence, to demonstrate precisely how the items and clothing in question were handled by all individuals who handled them prior to the gunshot residue testing.

4. Part 4 of Defendant's Motion in Limine is granted. Neither party shall offer any evidence regarding any polygraph examinations of any witnesses in this matter.

5. Part 5 of Defendant's Motion in Limine is withdrawn by the Defendant, without prejudice.

IT IS SO ORDERED this 16 day of July, 2007.



Joel D. Horton,  
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 16 day of July, 2007, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Shelley W. Armstrong  
Jonathan Medemda  
Ada County Prosecutor's Office  
Criminal Division  
200 West Front Street, Room 3191  
Boise, Idaho 83702  
Facsimile: (208) 287-7709


☐ U.S. Mail  
☐ Interdepartmental Mail  
☐ Overnight Mail  
☐ Facsimile  
☒ Hand Delivery

Mark H. Manweiler  
MANWEILER, BREEN, BALL &  
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290 Bobwhite Court, Suite 300  
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Boise, Idaho 83701-0937  
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☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile  
☒ Hand Delivery

Amil N. Myshin, Jr.  
Ada County Public Defender's  
Office  
Criminal-Felony Division  
200 West Front Street, Room 1107  
Boise, Idaho 83702  
Facsimile: (208) 287-7409

☐ U.S. Mail  
☐ Interdepartmental Mail  
☐ Overnight Mail  
☐ Facsimile  
☒ Hand Delivery

  
Clerk of the Court

Session: Horton072307  
Session Date: 2007/07/16  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 13:53

Courtroom: CR504

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):  
Myshin, Amil

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender: Myshin, Amil

2007/07/16

15:00:24 - Operator  
Recording:  
15:00:24 - New case  
THORNGREN, DONNA  
15:00:48 - General:  
The defendants are present, on bond.  
15:01:04 - Other: Medema, Jonathan  
argues the motion to compel attendance.  
15:02:43 - Pers. Attorney: Manweiler, Mark  
responds to the motion to compel.  
15:08:26 - Public Defender: Myshin, Amil  
responds to the motion to compel attendance.  
15:10:16 - Other: Medema, Jonathan  
replies.  
15:16:14 - Judge: Horton, Joel D.  
will address objections as they have been presented.  
15:16:26 - Judge: Horton, Joel D.  
as to failure to comply with rule 8.1, finds timing of the r  
epley brief is in  
15:16:41 - Judge: Horton, Joel D.  
compliance, overrules the objection.  
15:16:45 - Judge: Horton, Joel D.  
discusses the interplay between the statutes.

000215

15:18:34 - Judge: Horton, Joel D.  
discusses defendant Austin Thorngren's 5th amendment privilege.  
15:19:05 - Judge: Horton, Joel D.  
overrules the objection, denies the motion to quash subpoena.  
15:19:17 - Judge: Horton, Joel D.  
will not compel to testify in own proceedings and testimony in this trial may  
15:19:31 - Judge: Horton, Joel D.  
not be used against him.  
15:19:34 - Judge: Horton, Joel D.  
directs the State to submit an order.  
15:19:48 - Judge: Horton, Joel D.  
takes up the State's request for expert disclosure.  
15:19:59 - Pers. Attorney: Manweiler, Mark  
will comply with that, the State will not argue.  
15:20:16 - State Attorney: Armstrong, Shelley  
15:20:44 - Pers. Attorney: Manweiler, Mark  
will get to the State as soon as the power is back on in his building.  
15:20:54 - State Attorney: Armstrong, Shelley  
would like it tomorrow.  
15:20:59 - Pers. Attorney: Manweiler, Mark  
will get to the State tomorrow if the power is on at the building.  
15:21:10 - Judge: Horton, Joel D.  
directs to comply as soon as it is possible.  
15:21:29 - Judge: Horton, Joel D.  
indicates can re-notice if it becomes an issue.  
15:21:37 - Judge: Horton, Joel D.  
takes up the State's motion in limine.  
15:21:48 - State Attorney: Armstrong, Shelley  
calls witness CRYSTAL RHODES (TUSKEY), sworn by the clerk.  
15:22:31 - State Attorney: Armstrong, Shelley  
begins direct examination.  
15:31:54 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 1, identified.  
15:34:16 - State Attorney: Armstrong, Shelley  
offers State's exhibit 1.  
15:34:20 - Pers. Attorney: Manweiler, Mark  
no objection for purposes of this hearing.  
15:34:26 - Judge: Horton, Joel D.  
admits State's 1 for purposes of this hearing.  
15:38:04 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 2, identified.  
15:39:11 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
15:43:22 - State Attorney: Armstrong, Shelley  
indicates nothing further.  
15:43:26 - General:  
There is nothing further, the witness is excused.  
15:43:41 - State Attorney: Armstrong, Shelley  
indicates no testimony.  
15:43:46 - Pers. Attorney: Manweiler, Mark  
indicates no testimony.  
15:43:55 - State Attorney: Armstrong, Shelley  
argues the State's motion in limine re: impeachment.

000216

- 15:47:14 - State Attorney: Armstrong, Shelley  
argues the State's motion in limine re: letters sent to agencies.
- 15:51:05 - State Attorney: Armstrong, Shelley  
argues the State's motion in limine re: memos.
- 15:59:33 - State Attorney: Armstrong, Shelley  
argues the motion in limine re: polygraph test.
- 16:00:42 - State Attorney: Armstrong, Shelley  
argues the motion in limine re: myspace picture.
- 16:02:25 - State Attorney: Armstrong, Shelley  
argues the motion in limine re: Vickie Poole issues.
- 16:04:43 - State Attorney: Armstrong, Shelley  
argues the State's motion in limine re: car statements.
- 16:05:47 - State Attorney: Armstrong, Shelley  
argues the motion in limine re: 1/12 statements.
- 16:06:24 - State Attorney: Armstrong, Shelley  
argues the motion in limine re: 1/14 statements.
- 16:07:03 - State Attorney: Armstrong, Shelley  
argues the motion in limine re: 1/21 interview.
- 16:10:51 - Pers. Attorney: Manweiler, Mark  
responds re: prior convictions.
- 16:13:03 - Pers. Attorney: Manweiler, Mark  
responds regarding the letters and memos.
- 16:15:01 - Pers. Attorney: Manweiler, Mark
- 16:20:23 - Pers. Attorney: Manweiler, Mark  
responds re: polygraph.
- 16:23:59 - Pers. Attorney: Manweiler, Mark  
responds re: myspace picture.
- 16:26:47 - Pers. Attorney: Manweiler, Mark  
responds re: Vickie Poole issues.
- 16:27:24 - Pers. Attorney: Manweiler, Mark  
responds re: taped statements.
- 16:32:50 - State Attorney: Armstrong, Shelley  
replies.
- 16:42:24 - Judge: Horton, Joel D.  
will address the issues presented.
- 16:42:51 - Judge: Horton, Joel D.  
as to the prior felony convictions of witnesses (discusses State v. Green),
- 16:45:02 - Judge: Horton, Joel D.  
would allow Castenada if still on probation.
- 16:45:15 - Judge: Horton, Joel D.  
will allow impeachment as to Hawkins as the State does not object.
- 16:45:43 - Judge: Horton, Joel D.  
as to Amy Heider, will allow to ask re: conviction and probation.
- 16:45:58 - Judge: Horton, Joel D.  
is not permitting the defense to go into the underlying nature of the
- 16:46:29 - Judge: Horton, Joel D.  
offense.
- 16:46:30 - Judge: Horton, Joel D.  
as to Todd Ketterling, will allow as to 04 and 05 convictions.
- 16:46:52 - Judge: Horton, Joel D.  
as to Adam Madrill, will allow as to conviction.
- 16:47:04 - Judge: Horton, Joel D.

000217

as to Frederick Marler, will allow.  
16:47:09 - Judge: Horton, Joel D.  
will allow as to Garrett McCoy.  
16:47:15 - Judge: Horton, Joel D.  
as to Ryan McCoy, will not allow to impeach re: Burlary with  
held judgment.  
16:47:54 - Judge: Horton, Joel D.  
as to Tadeo, will allow as to Delivery conviction.  
16:48:13 - Judge: Horton, Joel D.  
as to Jason Waidlich, will allow as to Robbery, Poss. w/ Int  
ent, Poss. and  
16:48:36 - Judge: Horton, Joel D.  
everything as to Grand Theft.  
16:48:45 - Judge: Horton, Joel D.  
discusses the defendant's statements and letters.  
16:49:04 - Judge: Horton, Joel D.  
as to the demand letters, fall into the exception to the hea  
rsay rule, does  
16:49:20 - Judge: Horton, Joel D.  
not few as cumulative, will not exclude.  
16:49:27 - Judge: Horton, Joel D.  
is not persuaded by settlement argument, finds relevant.  
16:49:37 - Judge: Horton, Joel D.  
notes no objection re 12/6/04, will allow to offer.  
16:49:49 - Judge: Horton, Joel D.  
discusses memos and letters from counsel.  
16:50:04 - Judge: Horton, Joel D.  
indicates 4, 5 and 7 do fall within the hearsay exception, b  
ut excludes under  
16:50:48 - Judge: Horton, Joel D.  
403 grounds.  
16:51:08 - Judge: Horton, Joel D.  
refuses offer of 4, 5 and 7.  
16:51:17 - Judge: Horton, Joel D.  
admits offer of #6 (no objection).  
16:51:26 - Judge: Horton, Joel D.  
as to the polygraphy examination, refuses the State's motion  
in limine.  
16:52:27 - Judge: Horton, Joel D.  
is concerned about 403 considerations.  
16:53:21 - Judge: Horton, Joel D.  
as to Austin's myspace profile, denies the motion in limine  
re: photo.  
16:54:37 - Judge: Horton, Joel D.  
as to defendant's statements at the Vickie Poole residence,  
excludes the  
16:54:56 - Judge: Horton, Joel D.  
evidence.  
16:55:25 - Judge: Horton, Joel D.  
notes no objection to 911 call, finds admissable.  
16:55:38 - Judge: Horton, Joel D.  
as to interview with Joe Miller, absent demonstration of adm  
issability will  
16:56:05 - Judge: Horton, Joel D.  
require redaction of 1/12/03.  
16:56:10 - Judge: Horton, Joel D.  
cannot make determination they were excited utterances.  
16:56:23 - Judge: Horton, Joel D.

000218



as to 1/12/03 conversations with Juarezs', refuses the request.

16:56:37 - Judge: Horton, Joel D.  
as to 1/14/03 statements, requires redaction if no further showing.

16:57:02 - Judge: Horton, Joel D.  
as to 1/23/03 statement, does not view Crawford as being implicated.

16:57:31 - Judge: Horton, Joel D.  
will not grant the blanket request for reduction, will allow further

16:57:59 - Judge: Horton, Joel D.  
objections and the Court will consider individual objections

16:58:10 - Judge: Horton, Joel D.  
as to the jail phone calls, cannot make a blanket ruling as to calls.

16:58:34 - Judge: Horton, Joel D.

16:58:47 - State Attorney: Armstrong, Shelley  
questions the Court regarding the tapes.

16:59:07 - State Attorney: Armstrong, Shelley  
requests guidance from the Court, discusses submitting the tapes.

16:59:33 - Judge: Horton, Joel D.  
does not know what guidance the Court can give without specific issues.

16:59:43 - Pers. Attorney: Manweiler, Mark  
indicates if counsel will identify which ones will be used, he can let her

16:59:56 - Pers. Attorney: Manweiler, Mark  
know if he will object.

17:00:20 - State Attorney: Armstrong, Shelley  
questions regarding submitting a transcript and the tape if the parties

17:00:42 - State Attorney: Armstrong, Shelley  
cannot agree.

17:00:43 - Judge: Horton, Joel D.  
indicates the Court would need to set a hearing.

17:01:10 - State Attorney: Armstrong, Shelley  
questions as to who will prepare the order.

17:01:20 - Judge: Horton, Joel D.  
directs the State to submit an order.

17:01:28 - Judge: Horton, Joel D.  
discusses preproof instructions.

17:01:46 - State Attorney: Armstrong, Shelley  
has reviewed the instructions.

17:01:50 - Pers. Attorney: Manweiler, Mark  
did not bring the instructions, noticed a couple of typos.

17:02:00 - Pers. Attorney: Manweiler, Mark  
indicates no substantive objections, but requests the Court include the

17:02:16 - Pers. Attorney: Manweiler, Mark  
internet as a source.

17:02:26 - Pers. Attorney: Manweiler, Mark  
requests the Court identify defense counsel's firm and see if any jurors know

17:02:53 - Pers. Attorney: Manweiler, Mark  
anyone in that firm.

000219

17:02:56 - Pers. Attorney: Manweiler, Mark  
will advise the Court's secretary with typos.  
17:03:09 - Judge: Horton, Joel D.  
questions Mr. Manweiler and he responds.  
17:03:28 - State Attorney: Armstrong, Shelley  
no objection.  
17:03:30 - Judge: Horton, Joel D.  
will add the internet.  
17:04:10 - Judge: Horton, Joel D.  
assumes there is not objection from either party as to the p  
reproof  
17:04:23 - Judge: Horton, Joel D.  
instructions.  
17:04:38 - Operator  
Stop recording:

000220

185  
JT  
7-23  
9:00

NO. \_\_\_\_\_  
A.M. 11:45 FILED P.M. \_\_\_\_\_

JUL 18 2007

J. DAVID NAVARRO, Clerk  
By KATIE PESANT!  
DEPUTY

MARK H. MANWEILER  
MANWEILER, BREEN, BALL & HANCOCK, PLLC  
Attorneys at Law  
290 Bobwhite Court, Suite 300  
P.O. Box 937  
Boise, Idaho 83701-0937  
Telephone: (208) 424-9100  
Facsimile: (208) 424-3100  
Idaho State Bar No. 3104

ATTORNEYS FOR DEFENDANT  
DONNA KAY THORNGREN

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	Case No. H0600792
Plaintiff,	)	
vs.	)	<b>DEFENDANT DONNA KAY</b>
	)	<b>THORNGREN'S MOTION FOR BRIEF</b>
DONNA KAY THORNGREN and	)	<b>DELAY OF JURY TRIAL</b>
AUSTIN DONOVAN THORNGREN,	)	
Defendants.	)	
_____	)	

COMES NOW, Co-Defendant Donna Kay Thorngren, by and through her attorney of record, and hereby respectfully moves the Court for its Order granting a brief delay in the Jury Trial currently scheduled to begin July 23, 2007 in this matter. Specifically, Defendant respectfully moves the Court for its Order delaying the beginning of the Jury Trial by a minimum of one week and a maximum of two weeks to allow the parties adequate time to do the following:

**DEFENDANT DONNA KAY THORNGREN'S MOTION FOR BRIEF DELAY OF JURY TRIAL - Page 1**

000221

1. Defendant Donna Kay Thorngren intends to file a Motion to Clarify and/or Motion to Reconsider the Court's latest (7-16-07) ruling on the admissibility of Austin Thorngren's alleged statements to Adam Ketterling in the shed at Bentley on 1-12-03;

2. Defendant Donna Kay Thorngren intends to file a Supplemental Motion in Limine for specific redactions to the audio and/or video tape of the 1-21-03 law enforcement interview with Donna Thorngren;

3. Defendant Austin Donovan Thorngren intends to file a Motion to Reconsider the Court's 7-16-07 ruling granting the State's Motion to Compel Testimony of Austin Thorngren;

4. Defendant Donna Thorngren believes the State also needs additional time to review and determine which of the several hundred tape recorded jail house phone calls it intends to offer into evidence and to then review those selected tape recorded jail house phone calls with counsel for Defendant Donna Kay Thorngren to attempt to reach agreement as to their admissibility.

This Motion is made in the interests of justice and not for purposes of delay. Given the serious nature of this case and the importance to all parties of a fair, orderly, clear and considered decision on the foregoing matters and the time necessary to properly research and prepare the appropriate legal memoranda and argue these matters to the Court, a brief delay in

the trial is reasonable and necessary. Since the Court originally set aside three (3) months on its calendar for this trial and since it now appears that that the trial will take no more than two (2) months, no prejudice will be suffered by any party if this Motion is granted.

Defendant respectfully requests expedited oral argument on this Motion.

RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of July, 2007.

MANWEILER, BREEN, BALL &  
HANCOCK, PLLC

By: 

Mark H. Manweiler  
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 18<sup>th</sup> day of July, 2007, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Shelley W. Armstrong  
Jonathan Medemda  
Ada County Prosecutor's Office  
Criminal Division  
200 West Front Street, Room 3191  
Boise, Idaho 83702  
Facsimile: (208) 287-7709

☐ U.S. Mail  
☒ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Amil N. Myshin, Jr.  
Ada County Public Defender's  
Office  
Criminal-Felony Division  
200 West Front Street, Room 1107  
Boise, Idaho 83702  
Facsimile: (208) 287-7409

☐ U.S. Mail  
☒ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

  
\_\_\_\_\_  
Mark H. Manweiler

Session: Horton072007  
Session Date: 2007/07/20  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:07

Courtroom: CR504

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/07/20

09:02:17 - Operator  
Recording:  
09:02:17 - New case  
THORNGREN, DONNA  
09:02:45 - General:  
The defendant is present, on bond.  
09:02:51 - Pers. Attorney: Manweiler, Mark  
argues the motion to continue the trial.  
09:09:51 - State Attorney: Armstrong, Shelley  
responds and objects to the motion to continue.  
09:18:11 - Pers. Attorney: Manweiler, Mark  
replies.  
09:20:27 - Judge: Horton, Joel D.  
09:21:00 - Judge: Horton, Joel D.  
is not satisfied there is good cause to continue.  
09:21:14 - Judge: Horton, Joel D.  
denies the motion to continue.  
09:21:32 - Judge: Horton, Joel D.  
discusses the Court schedule.  
09:21:53 - Judge: Horton, Joel D.  
notes the defense has been on notice and the first day of trial will be for  
09:22:13 - Judge: Horton, Joel D.  
jury selection.

000225

09:22:34 - Operator  
Stop recording:

---

000226



85  
J/T  
7/24  
8:30

NO. \_\_\_\_\_ FILED \_\_\_\_\_  
A.M. \_\_\_\_\_ P.M. 3

JUL 23 2007

J. DAVID NAVARRO, Clerk  
By KATIE PESANTI  
DEPUTY

MARK H. MANWEILER  
MANWEILER, BREEN, BALL & HANCOCK, PLLC  
Attorneys at Law  
290 Bobwhite Court, Suite 300  
P.O. Box 937  
Boise, Idaho 83701-0937  
Telephone: (208) 424-9100  
Facsimile: (208) 424-3100  
Idaho State Bar No. 3104

ATTORNEYS FOR DEFENDANT  
DONNA KAY THORNGREN

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	Case No. H0600792
Plaintiff,	)	
	)	<b>DEFENDANT DONNA KAY</b>
vs.	)	<b>THORNGREN'S SECOND</b>
	)	<b>SUPPLEMENTAL NOTICE OF INTENT</b>
DONNA KAY THORNGREN and	)	<b>TO IMPEACH BY PRESENTATION OF</b>
AUSTIN DONOVAN THORNGREN,	)	<b>EVIDENCE OF A FELONY</b>
	)	<b>CONVICTION</b>
Defendants.	)	
_____	)	

COMES NOW, Co-Defendant Donna Kay Thorngren, by and through her attorney of record, and pursuant to Rule 609, Idaho Rules of Evidence, hereby supplements her Notice of Intent to Impeach By Presentation of Evidence of a Felony Conviction, filed June 27, 2007 as follows. A true, accurate and correct copy of a Judgment in the United States District Court evidencing the federal felony conviction of Raymond Carl Castaneda to two (2)

DEFENDANT DONNA KAY THORNGREN'S SECOND SUPPLEMENTAL NOTICE OF INTENT TO IMPEACH BY PRESENTATION OF EVIDENCE OF A FELONY CONVICTION - Page 1

000227

counts of unlawful possession of a firearm is attached hereto and incorporated by reference herein.

Defendant respectfully requests a hearing outside the presence of the jury to obtain the Court's permission to impeach said witness by presentation of evidence of this felony conviction.

DATED this 23<sup>rd</sup> day of July, 2007.

MANWEILER, BREEN, BALL &  
HANCOCK, PLLC

By: 

Mark H. Manweiler  
Attorney for Defendant

CERTIFICATE OF SERVICE

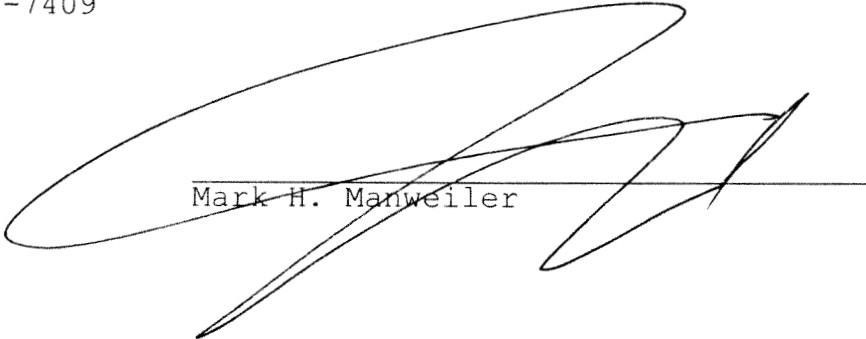
I HEREBY CERTIFY That on the 23<sup>rd</sup> day of July, 2007, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Shelley W. Armstrong  
Jonathan Medemda  
Ada County Prosecutor's Office  
Criminal Division  
200 West Front Street, Room 3191  
Boise, Idaho 83702  
Facsimile: (208) 287-7709

☐ U.S. Mail  
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Amil N. Myshin, Jr.  
Ada County Public Defender's  
Office  
Criminal-Felony Division  
200 West Front Street, Room 1107  
Boise, Idaho 83702  
Facsimile: (208) 287-7409

☐ U.S. Mail  
☒ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

  
\_\_\_\_\_  
Mark H. Manweiler

UNITED STATES DISTRICT COURT

District of Idaho

UNITED STATES OF AMERICA

V.

RAYMOND CARL CASTANEDA

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 1:03CR-164-001-S-BLW

Tom Monaghan

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) two and three of the Indictment

☐ pleaded nolo contendere to  
which was accepted by the court.

☐ was found guilty on count(s)  
after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 922 (g)(1)	Unlawful Possession of a Firearm	June 11, 2003	Two
26 USC 5861(d)	Unlawful Possession of a Firearm	June 11, 2003	Three

The defendant is sentenced as provided in pages 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on

☒ Count(s) one and four of Indictment ☐ is ☒ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. #6273

Defendant's Date of 1982

Defendant's USM No.: #12076-023

Defendant's Residence Address:

In custody

Defendant's Mailing Address:

February 3, 2004

Date of Imposition of Judgment

David O. Carter

Signature of Judicial Officer

David O. Carter, United States District Judge

Name and Title of Judicial Officer

February 3, 2004

Date

CC: U S Attorney Monaghan  
USDO  
USMS x2 certified  
DET Monaghan  
GWR

000230

DEFENDANT: **Castaneda, Raymond Carl**  
CASE NUMBER: **1:03CR164-001-S-BLW**

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term 27 months on Counts 2 & 3 with both such terms to run concurrently.

X The court makes the following recommendations to the Bureau of Prisons:  
The court recommends placement at the Sheridan Oregon facility because of close family ties in the area.

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_  
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. \_\_\_\_\_  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

000231

DEFENDANT: **Castaneda, Raymond Carl**  
CASE NUMBER: 1:03CR164-001-S-BLW

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release 3 years on counts 2 and 3 such terms to  
run concurrently.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

### **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

000232

DEFENDANT: **Castaneda, Raymond Carl**  
CASE NUMBER: **1:03CR164-001-S-BLW**

### **SPECIAL CONDITIONS OF SUPERVISION**

1. Within 72 hours of release from the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which the defendant is released.
2. While on supervised release, the defendant shall not commit another federal, state, or local crime, shall comply with the standard conditions that have been adopted by this court, and shall comply with the following additional conditions:
3. The defendant is prohibited from possession of a firearm or other dangerous weapon.
4. The defendant shall participate in a program of testing and treatment for drug/alcohol abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The cost of testing and treatment shall be paid by both the government and the defendant in monthly payments as arranged by the probation officer.
5. The defendant shall provide the probation officer with access to any requested financial information.
6. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.
7. The defendant shall submit to search of his person, place of residence, or automobile at the direction of the probation officer and submit to seizure of any contraband found therein.
8. The defendant shall pay any special assessment and fine that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release to the Clerk of the U. S. District Court, 550 West Fort Street, MSC 039, Boise, ID 83724. Payments are to be made on a monthly payment schedule as directed by the probation officer.
9. If defendant comes before the court for a probation violation it is the request of this court that he appear before the sentencing judge, Judge David O. Carter.

000233

AO 245B (Rev. 3/01) Judgment in a Criminal Case  
Sheet 5 — Criminal Monetary PenaltiesJudgment — Page 5 of 6DEFENDANT: **Castaneda, Raymond Carl**  
CASE NUMBER: 1:03CR164-001-S-BLW**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	<b>\$ 200.00</b>	<b>\$ 1,000.00</b>	<b>\$ None</b>

Assessment consists of \$100.00 per each of counts 2, 3. Fine consists of \$500.00 per each of counts 2, 3.

- ☐ The determination of restitution is deferred \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be after such determination.
- ☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
----------------------	----------------------------------	--	--

<b>TOTALS</b>	\$ _____	\$ _____
---------------	----------	----------

- ☐ If applicable, restitution amount ordered pursuant to plea \_\_\_\_\_
- ☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for ☐ fine and/or ☐ restitution.
- ☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

000234



DEFENDANT: **Castaneda, Raymond Carl**  
CASE NUMBER: **1:03CR164-001-S-BLW**

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

**A** ☒ Lump sum payment of \$1,200.00 due immediately, balance due as directed by the probation officer.

☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, or ☐ E below; or

**B** ☐ Payment to begin immediately (may be combined ☐ C, ☐ D, or ☐ E below); or

**C** ☐ Payment (e.g., equal, weekly, monthly, quarterly) installments over a period of (e.g., months or years), to

**D** ☐ Payment (e.g., equal, weekly, monthly, quarterly) installments over a period of (e.g., months or years), to term of supervision; or

**E** ☒ Special instructions regarding the payment of criminal monetary penalties:  
Monthly payments as directed by the probation officer.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

000235

Session: Horton072307a  
Session Date: 2007/07/23  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:07

Courtroom: CR507

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):  
Myshin, Amil

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender: Myshin, Amil

2007/07/23

09:02:25 - Operator  
Recording:  
09:02:25 - New case  
THORNGREN, DONNA  
09:02:42 - General:  
The defendant is present, on bond.  
09:02:56 - Other: Medema, Jonathan  
indicates Ms. Armstrong will be late, requests the Court indicate to the jury  
09:03:12 - Other: Medema, Jonathan  
that she will be here momentarily.  
09:03:54 - Judge: Horton, Joel D.  
will wait for the jury to arrive.  
09:04:02 - Operator  
Stop recording: (Off Record)  
09:07:29 - Operator  
Recording:  
09:07:29 - Record  
THORNGREN, DONNA  
09:07:29 - General:  
The jury enters the courtroom.  
09:11:45 - General:  
Counsel indicate that they are ready to proceed.

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09:11:56 - General:  
The clerk calls the roll of the jury.

09:17:36 - Judge: Horton, Joel D.  
instructs the jury.

09:19:45 - Judge: Horton, Joel D.  
introduces the parties.

09:20:29 - Judge: Horton, Joel D.  
reads the pertinent portion of the indictment.

09:21:46 - Judge: Horton, Joel D.  
continues instructing the jury.

09:22:46 - General:  
The clerk calls a panel of 40 jurors.

09:32:10 - Judge: Horton, Joel D.  
instructs the jury.

09:34:00 - General:  
The clerk swears the entire jury panel.

09:34:51 - Judge: Horton, Joel D.  
instructs the jury and explains the voire dire process.

09:39:50 - Judge: Horton, Joel D.  
begins voire dire, notes the death penalty is not an option  
in this case.

09:41:50 - Judge: Horton, Joel D.  
excuses juror #131, no objection, juror #79 replaces the exc  
used juror.

09:46:29 - Judge: Horton, Joel D.  
excuses juror #134, no objection, juror #52 replaces the exc  
used juror.

09:47:42 - Judge: Horton, Joel D.  
excuses juror #153, no objection, juror #172 replaces the ex  
cused juror.

09:49:22 - Judge: Horton, Joel D.  
excuses juror #110, no objection, juror #32 replaces the exc  
used juror.

10:03:22 - Judge: Horton, Joel D.  
excuses juror #34, no objection, juror #121 replaces the exc  
used juror.

10:11:25 - Judge: Horton, Joel D.  
excuses juror #84, no objection, juror #116 replaces the exc  
used juror.

10:17:48 - Judge: Horton, Joel D.  
indicates the Court has received a note re: juror #140.

10:18:03 - Judge: Horton, Joel D.  
counsel have no objection to excusing juror #140.

10:18:18 - Judge: Horton, Joel D.  
excuses juror #140 (not on the panel).

10:21:37 - Judge: Horton, Joel D.  
excuses juror #49, no objection, juror #67 replaces the excu  
sed juror.

10:35:15 - Judge: Horton, Joel D.  
excuses juror #116, no objection, juror #3 replaces the excu  
sed juror.

10:36:14 - Judge: Horton, Joel D.  
admonishes the jury for a break.

10:37:29 - Operator  
Stop recording: (Off Record)

10:39:57 - Operator  
Recording:

10:39:57 - Record

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THORNGREN, DONNA

10:39:58 - General:

10:40:06 - Judge: Horton, Joel D.

discusses the schedule for the remaining of the day.

10:40:34 - State Attorney: Armstrong, Shelley

apologizes to the Court for being late.

10:40:48 - Operator

Stop recording: (Off Record)

10:56:17 - Operator

Recording:

10:56:17 - Record

THORNGREN, DONNA

10:56:24 - General:

The jury is present, reminded of previous oath.

10:57:21 - Judge: Horton, Joel D.

excuses juror #57, no objection, juror #119 replaces the excused juror.

10:58:42 - Judge: Horton, Joel D.

excuses juror #179, no objection, juror #91 replaces the excused juror.

11:00:00 - Judge: Horton, Joel D.

excuses juror #91, no objection, juror #124 replaces the excused juror.

11:01:01 - Judge: Horton, Joel D.

excuses juror #124, no objection, juror #38 replaces the excused juror.

11:01:51 - Judge: Horton, Joel D.

excuses juror #38, no objection, juror #40 replaces the excused juror.

11:03:38 - Judge: Horton, Joel D.

excuses juror #20, no objection, juror #171 replaces the excused juror.

11:05:22 - Judge: Horton, Joel D.

excuses juror #171, no objection, juror #46 replaces the excused juror.

11:07:09 - Judge: Horton, Joel D.

excuses juror #46, no objection, juror #127 replaces the excused juror.

11:09:24 - Judge: Horton, Joel D.

excuses juror #198, no objection, juror #47 replaces the excused juror.

11:12:36 - Judge: Horton, Joel D.

excuses juror #194, no objection, juror #178 replaces the excused juror.

11:15:14 - Judge: Horton, Joel D.

excuses juror #178, no objection, juror #8 replaces the excused juror.

11:16:32 - Judge: Horton, Joel D.

excuses juror #53, no objection, juror #108 replaces the excused juror.

11:18:33 - Judge: Horton, Joel D.

excuses juror #44, no objection, juror #182 replaces the excused juror.

11:19:21 - Judge: Horton, Joel D.

questions as to juror #182.

11:19:35 - State Attorney: Armstrong, Shelley

questions juror #182.

11:19:43 - State Attorney: Armstrong, Shelley

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no objection.  
11:19:45 - Pers. Attorney: Manweiler, Mark  
no objection.  
11:19:47 - Judge: Horton, Joel D.  
excuses juror #182, juror #71 replaces the excused juror.  
11:31:45 - Judge: Horton, Joel D.  
excuses juror #92, no objection, juror #72 replaces the excused juror.  
11:32:34 - Judge: Horton, Joel D.  
excuses juror #72, no objection, juror #115 replaces the excused juror.  
11:33:35 - Judge: Horton, Joel D.  
excuses juror #115, no objection, juror #31 replaces the excused juror.  
11:35:09 - Judge: Horton, Joel D.  
asks that juror #31 check into the availability of re-scheduling the class.  
11:35:56 - Judge: Horton, Joel D.  
excuses juror #17, no objection, juror #77 replaces the excused juror.  
11:37:25 - Judge: Horton, Joel D.  
11:37:52 - Judge: Horton, Joel D.  
requests juror #77 call re: vacation during the break.  
11:38:47 - Judge: Horton, Joel D.  
excuses juror #175, no objection, juror #15 replaces the excused juror.  
11:41:11 - Judge: Horton, Joel D.  
excuses juror #18, no objection, juror #107 replaces the excused juror.  
11:42:41 - Judge: Horton, Joel D.  
excuses juror #107, no objection, juror #12 replaces the excused juror.  
11:43:47 - Judge: Horton, Joel D.  
excuses juror #12, no objection, juror #192 replaces the excused juror.  
11:44:41 - Judge: Horton, Joel D.  
excuses juror #192, no objection, juror #203 replaces the excused juror.  
11:45:40 - Judge: Horton, Joel D.  
excuses juror #203, no objection, juror #6 replaces the excused juror.  
11:46:25 - Judge: Horton, Joel D.  
excuses juror #6, no objection, juror #123 replaces the excused juror.  
11:47:21 - Judge: Horton, Joel D.  
excuses juror #123, no objection, juror #170 replaces the excused juror.  
11:49:11 - Judge: Horton, Joel D.  
excuses juror #158, no objection, juror #211 replaces the excused juror.  
11:50:17 - Judge: Horton, Joel D.  
excuses juror #211, no objection, juror #1 replaces the excused juror.  
11:51:10 - Judge: Horton, Joel D.  
excuses juror #1, no objection, juror #51 replaces the excused juror.  
11:52:25 - Judge: Horton, Joel D.  
excuses juror #51, no objection, juror #29 replaces the excused juror.

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sed juror.

11:54:19 - Judge: Horton, Joel D.  
excuses juror #60, no objection, juror #7 replaces the excused juror.

11:55:14 - Judge: Horton, Joel D.  
excuses juror #7, no objection, juror #99 replaces the excused juror.

11:56:32 - Judge: Horton, Joel D.  
excuses juror #99, no objection, juror #163 replaces the excused juror.

11:57:36 - Judge: Horton, Joel D.  
excuses juror #163, no objection, juror #63 replaces the excused juror.

11:58:44 - Judge: Horton, Joel D.  
excuses juror #121, no objection, juror #98 replaces the excused juror.

12:01:16 - Judge: Horton, Joel D.  
excuses juror #52, no objection, juror #193 replaces the excused juror.

12:03:16 - Judge: Horton, Joel D.  
directs juror #193 to contact her doctor regarding an appointment during the

12:03:31 - Judge: Horton, Joel D.  
break.

12:05:24 - Judge: Horton, Joel D.

12:06:54 - Judge: Horton, Joel D.  
excuses juror #28, no objection, juror #105 replaces the excused juror.

12:08:09 - Judge: Horton, Joel D.  
excuses juror #97, no objection, juror #21 replaces the excused juror.

12:09:10 - Judge: Horton, Joel D.  
excuses juror #21, no objection, juror #5 replaces the excused juror.

12:10:11 - Judge: Horton, Joel D.  
excuses juror #5, no objection, juror #39 replaces the excused juror.

12:11:00 - Judge: Horton, Joel D.  
excuses juror #39, no objection, juror #85 replaces the excused juror.

12:11:58 - Judge: Horton, Joel D.  
excuses juror #85, no objection, juror #61 replaces the excused juror.

12:12:55 - Judge: Horton, Joel D.  
excuses juror #61, no objection, juror #96 replaces the excused juror.

12:13:49 - Judge: Horton, Joel D.  
excuses juror #96, no objection, juror #159 replaces the excused juror.

12:14:46 - Judge: Horton, Joel D.  
excuses juror #154, no objection, juror #138 replaces the excused juror.

12:15:54 - Judge: Horton, Joel D.  
directs #138 to check on travel plans during the recess.

12:16:47 - Judge: Horton, Joel D.  
excuses juror #141, no objection, juror #94 replaces the excused juror.

12:17:31 - Judge: Horton, Joel D.

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excuses juror #94, no objection, juror #126 replaces the excused juror.

12:18:24 - Judge: Horton, Joel D.  
excuses juror #126, no objection, juror #135 replaces the excused juror.

12:19:02 - Judge: Horton, Joel D.  
excuses juror #135, no objection, juror #30 replaces the excused juror.

12:20:48 - Judge: Horton, Joel D.  
excuses juror #30, no objection, juror #68 replaces the excused juror.

12:21:45 - Judge: Horton, Joel D.  
excuses juror #125, no objection, juror #10 replaces the excused juror.

12:22:28 - Judge: Horton, Joel D.  
excuses juror #10, no objection, juror #168 replaces the excused juror.

12:25:35 - Judge: Horton, Joel D.  
excuses juror #32, no objection, juror #190 replaces the excused juror.

12:27:12 - Judge: Horton, Joel D.  
excuses juror #25, no objection, juror #136 replaces the excused juror.

12:29:16 - Plaintiff:

12:29:18 - Judge: Horton, Joel D.  
has counsel approach the bench.

12:30:20 - Judge: Horton, Joel D.  
discusses jury selection.

12:30:57 - Judge: Horton, Joel D.  
directs the jury panel to return tomorrow at 11:00 p.m.

12:31:16 - Judge: Horton, Joel D.  
directs jurors to check on matters that were discussed earlier today.

12:31:38 - Judge: Horton, Joel D.  
directs jurors to tell the jury office if they can give their undivided

12:31:57 - Judge: Horton, Joel D.  
attention.

12:32:35 - Judge: Horton, Joel D.  
directs the jury to appear at 10:30 a.m. tomorrow instead of 11:00 p.m.

12:32:48 - Judge: Horton, Joel D.  
will have the new panel brought in at 8:30 a.m.

12:33:54 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.

12:34:17 - Judge: Horton, Joel D.  
directs not to read any media accounts and ignore any television accounts.

12:34:47 - Operator  
Stop recording:

12:36:42 - Operator  
Recording:

12:36:42 - Record  
THORNGREN, DONNA

12:36:42 - General:  
The jury is not present.

12:36:59 - Other: Medema, Jonathan  
indicates juror #143 was speaking with juror #191.

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12:37:16 - Other: Medema, Jonathan  
indicates one of the jurors asked him a question and he did not respond.

12:37:51 - Pers. Attorney: Manweiler, Mark  
questions the Court regarding the schedule tomorrow.

12:38:17 - Judge: Horton, Joel D.  
indicates will not get to opening statements tomorrow.

12:38:40 - State Attorney: Armstrong, Shelley  
questions as to courtroom.

12:39:03 - State Attorney: Armstrong, Shelley  
questions as to motions this afternoon.

12:39:35 - Judge: Horton, Joel D.  
does not know if Mr. Myshin intends to argue motions.

12:39:54 - State Attorney: Armstrong, Shelley  
questions as to jury list.

12:40:03 - Judge: Horton, Joel D.  
indicates check with jury office.

12:40:14 - State Attorney: Armstrong, Shelley  
discusses pleadings filed today.

12:41:13 - Operator  
Stop recording:

15:01:33 - Operator  
Recording:

15:01:33 - Record  
THORNGREN, DONNA

15:01:34 - General:  
The jury is not present.

15:01:52 - Judge: Horton, Joel D.  
takes up the issue of prospective jurors who were going to call after

15:02:06 - Judge: Horton, Joel D.  
checking on matters.

15:02:15 - Judge: Horton, Joel D.  
discusses juror #3, childcare concerns.

15:02:25 - Judge: Horton, Joel D.  
indicates the juror has reported that she cannot get the neighbor to babysit

15:02:37 - Judge: Horton, Joel D.  
which will affect her ability to serve.

15:02:43 - Judge: Horton, Joel D.  
will discuss re: jury commission babysit.

15:02:58 - Judge: Horton, Joel D.  
will have come in tomorrow.

15:03:03 - Judge: Horton, Joel D.  
discusses juror #127, pending civil action.

15:03:30 - Judge: Horton, Joel D.  
will have come back and inquire further, counsel concur.

15:03:47 - Judge: Horton, Joel D.  
discusses juror #71, cannot be away from work and will affect ability to

15:03:59 - Judge: Horton, Joel D.  
serve, will excuse from service.

15:04:06 - General:  
Counsel have no objection.

15:04:18 - Judge: Horton, Joel D.  
discusses juror #77, unable to change travel plans.

15:04:35 - Judge: Horton, Joel D.  
will excuse #77, no objection.

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15:04:50 - Judge: Horton, Joel D.  
discusses juror #138, indicates can change plans and is available and willing

15:05:03 - Judge: Horton, Joel D.  
to serve, will have return.

15:05:18 - Judge: Horton, Joel D.  
takes up defense motions.

15:05:21 - Pers. Attorney: Manweiler, Mark  
argues the defense motion to clarify and/or reconsider.

15:11:27 - State Attorney: Armstrong, Shelley  
responds.

15:22:17 - Pers. Attorney: Manweiler, Mark  
replies.

15:23:46 - Judge: Horton, Joel D.

15:23:54 - Judge: Horton, Joel D.  
denies the motion for reconsideration.

15:25:07 - Judge: Horton, Joel D.  
is satisfied the evidence falls within the hearsay rules.

15:25:16 - Judge: Horton, Joel D.  
discusses Bruton issues.

15:25:25 - Judge: Horton, Joel D.  
notes severance has been granted.

15:26:18 - Judge: Horton, Joel D.  
takes up the defendant's supplemental motion in limine.

15:26:28 - Pers. Attorney: Manweiler, Mark  
argues the defendant's supplemental motion in limine.

15:26:56 - Pers. Attorney: Manweiler, Mark  
indicates the State has agreed to defense requests 3, 4 and 6.

15:27:36 - Pers. Attorney: Manweiler, Mark  
argues regarding requests 1, 2 and 6.

15:29:44 - State Attorney: Armstrong, Shelley  
responds.

15:35:32 - Pers. Attorney: Manweiler, Mark  
replies.

15:36:12 - Judge: Horton, Joel D.  
cannot evaluate some components of this motion, will need to see a portion of

15:36:36 - Judge: Horton, Joel D.  
the interview.

15:36:39 - Judge: Horton, Joel D.  
as to page 78, will not require redaction.

15:36:58 - Judge: Horton, Joel D.  
as to "it was perfect...." statement, will have to defer, does not know the

15:37:16 - Judge: Horton, Joel D.  
context and cannot evaluate.

15:38:02 - Judge: Horton, Joel D.  
is skeptical as to the admissibility of the statements.

15:38:11 - Judge: Horton, Joel D.  
denies the motion in limine as to "Did Adam call...." statement.

15:38:23 - Judge: Horton, Joel D.  
is inclined to grant the motion in limine as to "Darn right he did...." but

15:38:37 - Judge: Horton, Joel D.  
cannot rule without listening to the tape.

15:38:47 - Judge: Horton, Joel D.

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as to "Ivana wouldn't have called...." finds relevant and admissable,

15:39:23 - Judge: Horton, Joel D.  
reserves ruling until listening to the tape.

15:39:28 - Judge: Horton, Joel D.  
notes parties are in agreement as to page 79 in the box, orders redaction.

15:39:45 - Judge: Horton, Joel D.  
discusses the balance of page 79.

15:39:56 - Pers. Attorney: Manweiler, Mark  
indicates not part of the motion.

15:40:04 - Judge: Horton, Joel D.  
discusses page 80 statement, "died before he got to the dinner table..."

15:40:17 - Judge: Horton, Joel D.  
statement, in all probability will be granted after reviewed by the Court.

15:40:30 - Judge: Horton, Joel D.

15:40:31 - Pers. Attorney: Manweiler, Mark  
no objection to the balance of page 80.

15:40:37 - Judge: Horton, Joel D.  
will not order redaction.

15:40:41 - Judge: Horton, Joel D.  
as to the bottom of page 81, grants the motion in limine.

15:40:56 - Judge: Horton, Joel D.  
questions as to tape for review.

15:41:05 - State Attorney: Armstrong, Shelley  
indicates the Court has the tape.

15:41:14 - Pers. Attorney: Manweiler, Mark  
indicates the last 5 minutes of the tape.

15:41:51 - Judge: Horton, Joel D.  
will take a 10 minutes recess.

15:42:05 - Operator  
Stop recording: (Off Record)

15:56:19 - Operator  
Recording:

15:56:19 - Record  
THORNGREN, DONNA

15:56:20 - General:  
The Court has reviewed a portion of the video.

15:56:39 - Judge: Horton, Joel D.  
grants the motion in limine re: statement beginning on page 78, on thru "that

15:56:53 - Judge: Horton, Joel D.  
kid is scared to death" on page 79.

15:57:05 - Judge: Horton, Joel D.  
does not redact "Did Adam call you today, darn right he did."

15:57:29 - State Attorney: Armstrong, Shelley  
questions the Court and the Court responds.

15:57:43 - Judge: Horton, Joel D.  
grants the motion in limine re: "he died before he got to the table" on page

15:58:05 - Judge: Horton, Joel D.  
80.

15:58:17 - Judge: Horton, Joel D.  
indicates page 81 is out.

15:58:25 - State Attorney: Armstrong, Shelley

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questions the Court regarding page 79.

15:58:36 - Judge: Horton, Joel D.  
responds.

15:58:49 - Judge: Horton, Joel D.  
takes up another juror issue re: juror #193.

15:59:00 - Judge: Horton, Joel D.  
indicates the juror will have surgery and that will interfere with ability to

15:59:12 - Judge: Horton, Joel D.  
serve.

15:59:20 - Judge: Horton, Joel D.  
will excuse from duty, no objection.

15:59:33 - Judge: Horton, Joel D.  
takes up defendant Austin Thorngren's motions.

15:59:42 - Public Defender: Myshin, Amil  
argues the motion to reconsider, or lay ground rules.

16:09:38 - Public Defender: Myshin, Amil  
discusses the "demand for immunity" that was filed.

16:10:22 - Public Defender: Myshin, Amil  
withdraws the motion to a degree.

16:10:33 - Pers. Attorney: Manweiler, Mark  
joins in the motion to reconsider filed by defendant Austin Thorngren.

16:11:27 - Other: Medema, Jonathan  
responds to the motion to reconsider.

16:11:55 - Other: Medema, Jonathan  
will give advance notice to Mr. Myshin re: Austin's testimony.

16:13:20 - Judge: Horton, Joel D.  
questions Mr. Medema re: pv proceedings and Mr. Medema responds.

16:16:19 - Judge: Horton, Joel D.  
questions Mr. Medema and he responds.

16:16:26 - Public Defender: Myshin, Amil  
replies.

16:18:02 - Judge: Horton, Joel D.  
will do some further research on this issue, primarily re: probation

16:18:14 - Judge: Horton, Joel D.  
violation proceedings.

16:18:45 - Judge: Horton, Joel D.  
discusses Murphy v. Waterfront.

16:19:35 - Judge: Horton, Joel D.  
will have a short opinion, but not a findings of fact & conclusions of law.

16:19:50 - Judge: Horton, Joel D.  
directs if the Court does not grant the motion, the State provide notice of

16:20:00 - Judge: Horton, Joel D.  
when the witness will testify and at a time convenient to Mr. Myshin's

16:20:13 - Judge: Horton, Joel D.  
calendar.

16:20:18 - Judge: Horton, Joel D.  
will allow Mr. Myshin to make privilege objections.

16:20:39 - Judge: Horton, Joel D.

16:20:40 - State Attorney: Armstrong, Shelley  
discusses the testimony of one of the witnesses out of order

000245

16:21:20 - State Attorney: Armstrong, Shelley  
questions regarding presenting pants evidence before opinion  
testimony.

16:21:34 - Pers. Attorney: Manweiler, Mark  
responds regarding presenting testimony as a foundational pr  
erequisite.

16:22:10 - Pers. Attorney: Manweiler, Mark  
will object to the testimony for a variety reasons.

16:22:45 - Pers. Attorney: Manweiler, Mark  
will not agree to the testimony, but not for that reason.

16:22:55 - State Attorney: Armstrong, Shelley  
is just asking for clarification.

16:23:43 - Judge: Horton, Joel D.  
discusses the Court's earlier ruling regarding the pants.

16:24:00 - Judge: Horton, Joel D.  
is free to call the witness early, subject to tying it up, b  
ut notes the

16:24:18 - Judge: Horton, Joel D.  
risks.

16:24:26 - Judge: Horton, Joel D.  
indicates subject to a motion to strike.

16:24:34 - State Attorney: Armstrong, Shelley  
further discusses the issue and the Court responds.

16:24:57 - State Attorney: Armstrong, Shelley  
discusses handling opening statements in courtroom 400.

16:25:29 - Judge: Horton, Joel D.  
questions as to how large it is, notes the courtroom holds 7  
0 people.

16:25:58 - State Attorney: Armstrong, Shelley  
indicates alot of people will be coming to the opening.

16:26:07 - Pers. Attorney: Manweiler, Mark  
is partial to courtroom 501.

16:26:29 - Judge: Horton, Joel D.  
indicates the Court will be in here tomorrow, but will then  
move into 501.

16:26:54 - Judge: Horton, Joel D.  
notes the right of family to be in the courtroom.

16:27:02 - State Attorney: Armstrong, Shelley  
indicates counsel have narrowed down the jail phone call tap  
es.

16:27:21 - State Attorney: Armstrong, Shelley  
will file pleadings tomorrow, only a few statements the part  
ies cannot agree

16:27:32 - State Attorney: Armstrong, Shelley  
on at this time.

16:27:54 - State Attorney: Armstrong, Shelley  
requests a hearing on Friday.

16:28:01 - Pers. Attorney: Manweiler, Mark  
may not have time this week.

16:29:03 - Judge: Horton, Joel D.  
indicates realistically is 7/30/07 @ 3:00 p.m.

16:29:13 - State Attorney: Armstrong, Shelley  
requests to tentatively set at this time.

16:29:24 - State Attorney: Armstrong, Shelley  
will call if the hearing is not needed.

16:29:44 - State Attorney: Armstrong, Shelley  
questions re: continuing objection for the defense as to sta

000246

tements.

16:30:05 - Judge: Horton, Joel D.  
notes a continuing objection.

16:30:45 - Operator

Stop recording:

000247

Session: Horton072407  
Session Date: 2007/07/24  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 07:43

Courtroom: CR507

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

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Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/07/24

08:32:15 - Operator  
Recording:  
08:32:15 - New case  
THORNGREN, DONNA  
08:32:32 - General:  
The defendant is present, on bond.  
08:32:37 - General:  
The jury enters the courtroom.  
08:33:59 - General:  
Counsel indicate that they are ready to proceed.  
08:34:11 - General:  
The clerk calls the roll of the jury.  
08:37:20 - Judge: Horton, Joel D.  
notes juror #429 was excused as she is a witness.  
08:37:28 - Judge: Horton, Joel D.  
instructs the jury.  
08:39:10 - Judge: Horton, Joel D.  
introduces the parties.  
08:39:46 - Judge: Horton, Joel D.  
reads the pertinent portion of the indictment.  
08:40:57 - Judge: Horton, Joel D.  
continues instructing the jury.  
08:43:51 - General:  
The jury panel is sworn.

000248

08:44:27 - Judge: Horton, Joel D.  
explains the voire dire process.

08:47:03 - Judge: Horton, Joel D.  
begins voire dire.

08:54:33 - Judge: Horton, Joel D.  
excuses juror #384, no objection.

08:58:42 - Judge: Horton, Joel D.  
excuses juror #417, no objection.

09:01:22 - Judge: Horton, Joel D.  
excuses juror #427, no objection.

09:01:51 - Judge: Horton, Joel D.  
excuses juror #339, no objection.

09:02:44 - Judge: Horton, Joel D.  
excuses juror #466, no objection.

09:09:02 - Judge: Horton, Joel D.  
excuses juror #413, no objection.

09:35:59 - Judge: Horton, Joel D.  
excuses juror #463, no objection.

09:47:29 - Judge: Horton, Joel D.  
excuses juror #350, no objection.

09:49:45 - Judge: Horton, Joel D.  
excuses juror #358, no objection.

09:50:39 - Judge: Horton, Joel D.  
excuses juror #425, no objection.

09:51:57 - Judge: Horton, Joel D.  
directs juror #432 to contact employer re: jury service.

09:52:58 - Judge: Horton, Joel D.  
excuses juror #406, no objection.

09:56:37 - Judge: Horton, Joel D.  
excuses juror #442, no objection.

09:57:24 - Judge: Horton, Joel D.  
excuses juror #355, no objection.

09:57:58 - Judge: Horton, Joel D.  
excuses juror #346, no objection.

09:59:02 - Judge: Horton, Joel D.  
excuses juror #455, no objection.

09:59:55 - Judge: Horton, Joel D.  
excuses juror #374, Ms. Armstrong questions the jury.

10:00:48 - State Attorney: Armstrong, Shelley  
requests to check with mother-in-law during break.

10:00:59 - Judge: Horton, Joel D.  
questions juror #374.

10:01:08 - State Attorney: Armstrong, Shelley  
indicates no objection.

10:01:13 - Pers. Attorney: Manweiler, Mark  
indicates no objection.

10:01:16 - Judge: Horton, Joel D.  
excuses juror #374.

10:02:24 - State Attorney: Armstrong, Shelley  
can go check with civil division re: juror #419.

10:04:29 - Judge: Horton, Joel D.  
excuses juror #352, no objection.

10:05:34 - Judge: Horton, Joel D.  
excuses juror #402, no objection.

10:06:20 - Judge: Horton, Joel D.  
excuses juror #390, no objection.

10:07:18 - Judge: Horton, Joel D.

10:08:07 - Judge: Horton, Joel D.

000249

excuses juror #458, no objection.  
10:09:20 - Judge: Horton, Joel D.  
directs juror #437 to check on flight plans during the break  
10:11:09 - Judge: Horton, Joel D.  
admonishes the jury for a break.  
10:31:14 - General:  
The previous panel from yesterday is now present and is give  
n the oath.  
10:31:49 - Judge: Horton, Joel D.  
notes jurors were excused from some seats.  
10:32:12 - Judge: Horton, Joel D.  
questions juror #3 re: ability to serve.  
10:32:47 - General:  
Juror #3 indicates she can serve.  
10:33:20 - General:  
Juror #3 can give the case her undivided attention.  
10:34:45 - Judge: Horton, Joel D.  
notes juror #71 was excused.  
10:34:58 - Judge: Horton, Joel D.  
10:35:00 - General:  
Juror #395 is called to replace seat 12.  
10:35:24 - Judge: Horton, Joel D.  
notes juror #77 was excused.  
10:35:39 - General:  
Juror #468 is called to take the 16 seat.  
10:36:07 - Judge: Horton, Joel D.  
notes #29 seat was excused (juror #193).  
10:36:18 - Judge: Horton, Joel D.  
notes #28 seat is empty, #172 was not excused but did not re  
turn, wil issues  
10:36:30 - Judge: Horton, Joel D.  
a contempt.  
10:36:51 - General:  
10:37:07 - General:  
The jury commission enters the courtroom.  
10:37:16 - General:  
Juror #68 is now present.  
10:37:21 - General:  
Juror #428 is chosent to take the 28 seat.  
10:37:49 - General:  
Juror #432 is chosen to replace the 29 seat.  
10:38:09 - Judge: Horton, Joel D.  
questions the juror.  
10:39:01 - General:  
Juror #68 is sworn for voire dire.  
10:39:34 - Judge: Horton, Joel D.  
begins voire dire.  
10:45:59 - General:  
Note: Juror #172 arrived and was turned away as voire dire  
had begun and he  
10:46:48 - General:  
was replaced, the Court will not do an OSC.  
10:58:19 - State Attorney: Armstrong, Shelley  
moves to exclude #136, no objection, excused.  
10:58:29 - General:  
Juror #469 replaces the excused juror.  
11:02:55 - State Attorney: Armstrong, Shelley

000250



moves to excuse #195, no objection, excused.  
11:03:03 - General:  
Juror #354 replaces the excused juror.  
12:04:38 - State Attorney: Armstrong, Shelley  
moves to excuse juror #191, no objection, excused.  
12:04:53 - General:  
Juror #382 replaces the excused juror.  
12:11:26 - State Attorney: Armstrong, Shelley  
12:11:32 - Judge: Horton, Joel D.  
questions #127 re: pending civil case.  
12:11:49 - General:  
The juror indicates it will not affect her.  
12:11:58 - Judge: Horton, Joel D.  
questions juror #131 who indicates her class will not impede  
her service.  
12:12:16 - Judge: Horton, Joel D.  
questions juror #138 who indicates her travel plans have cha  
nged.  
12:12:44 - Judge: Horton, Joel D.  
questions the jury as to one additional witness, none of the  
jurors know the  
12:13:01 - Judge: Horton, Joel D.  
witness.  
12:13:03 - Judge: Horton, Joel D.  
admonishes the jury for a recess.  
12:13:30 - Operator  
Stop recording: (Off Record)  
12:14:44 - Operator  
Recording:  
12:14:44 - Record  
THORNGREN, DONNA  
12:14:45 - General:  
The jury is not present.  
12:14:51 - Judge: Horton, Joel D.  
notes that juror #172 did arrive after the State beginning v  
oire dire.  
12:15:08 - Judge: Horton, Joel D.  
indicates will not pursue an OSC.  
12:15:15 - General:  
Counsel agree to no OSC.  
12:15:24 - Operator  
Stop recording: (Off Record)  
12:35:50 - Operator  
Recording:  
12:35:50 - Record  
THORNGREN, DONNA  
12:35:52 - General:  
The jury is present.  
12:35:58 - Pers. Attorney: Manweiler, Mark  
begins voire dire.  
12:45:56 - Pers. Attorney: Manweiler, Mark  
moves to excuse juror #103.  
12:46:10 - Judge: Horton, Joel D.  
notes the juror responded appropriately.  
12:46:20 - Pers. Attorney: Manweiler, Mark  
withdraws the motion to excuse.  
13:01:58 - Pers. Attorney: Manweiler, Mark  
moves to excuse juror #428, no objection, excused.

000251

13:02:06 - General:  
Juror #426 replaces the excused juror.

13:02:29 - State Attorney: Armstrong, Shelley  
begins voire dire of juror #426.

13:03:50 - State Attorney: Armstrong, Shelley  
passes juror #426 for cause.

13:04:00 - Pers. Attorney: Manweiler, Mark  
resumes voire dire.

13:44:28 - Pers. Attorney: Manweiler, Mark  
passes the panel for cause.

13:44:33 - Judge: Horton, Joel D.  
excuses the jurors who are not in the panel of 40.

13:45:18 - Judge: Horton, Joel D.  
admonishes the jury for a break.

13:45:27 - Operator  
Stop recording: (Off Record)

13:58:28 - Operator  
Recording:

13:58:28 - Record  
THORNGREN, DONNA

13:58:33 - General:  
The jury is present.

13:58:45 - Judge: Horton, Joel D.  
explains the process of peremptory challenges.

13:59:42 - Judge: Horton, Joel D.  
admonishes the jury for the exercise of peremptory challenges

13:59:54 - Operator  
Stop recording: (Off Record)

14:30:01 - Operator  
Recording:

14:30:01 - Record  
THORNGREN, DONNA

14:30:02 - General:  
The Court reviews the challenges.

14:32:12 - Judge: Horton, Joel D.  
reads the names of the jurors chosen to serve.

14:35:58 - General:  
Counsel accept the panel.

14:36:07 - Judge: Horton, Joel D.  
excuses the jurors who were not chosen to serve.

14:36:51 - Judge: Horton, Joel D.  
admonishes the jury.

14:37:19 - Judge: Horton, Joel D.  
instructs the jury re: media.

14:37:42 - Judge: Horton, Joel D.  
excuses the jury for the evening.

14:38:33 - Operator  
Stop recording:

000252

Session: Horton072607  
Session Date: 2007/07/26  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 07:51

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/07/26

09:03:44 - Operator  
Recording:  
09:03:44 - New case  
THORNGREN, DONNA  
09:04:02 - General:  
The defendant is present, on bond.  
09:04:13 - General:  
The jury is present.  
09:05:07 - General:  
Counsel stipulate the jury is seated as selected.  
09:05:23 - Judge: Horton, Joel D.  
discusses cameras in the courtroom.  
09:05:44 - Judge: Horton, Joel D.  
indicates the jurors will not be photographed.  
09:06:02 - General:  
The jury is sworn.  
09:06:26 - Judge: Horton, Joel D.  
instructs the jury.  
09:07:51 - General:  
The clerk reads the indictment.  
09:09:26 - Judge: Horton, Joel D.  
continues instructing the jury.  
09:18:06 - State Attorney: Armstrong, Shelley  
begins opening statement.

000253

10:40:21 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:41:36 - Operator  
Stop recording: (Off Record)

10:57:12 - Operator  
Recording:  
10:57:12 - Record  
THORNGREN, DONNA

10:57:12 - General:  
The jury is present.

10:57:50 - General:  
Counsel stipulate the jury is seated as sworn.

10:58:03 - Pers. Attorney: Manweiler, Mark  
begins opening statement.

12:09:01 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:10:03 - Operator  
Stop recording: (Off Record)

12:22:48 - Operator  
Recording:  
12:22:48 - Record  
THORNGREN, DONNA

12:22:54 - General:  
The jury is present.

12:23:36 - General:  
Counsel stipulate the jury is seated as sworn.

12:23:43 - State Attorney: Armstrong, Shelley  
calls DONALD FORREST MELTON, sworn by the clerk.

12:24:25 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:26:03 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 182, identified.

12:27:00 - State Attorney: Armstrong, Shelley  
offers State's exhibit 182, Mr. Manweiler questions in aid o  
f objection.

12:27:14 - Pers. Attorney: Manweiler, Mark  
objects, hearsay.

12:27:22 - State Attorney: Armstrong, Shelley  
responds, offering to show intent.

12:28:22 - Judge: Horton, Joel D.  
reviews exhibit 182.

12:30:05 - State Attorney: Armstrong, Shelley  
relies on 803.3.

12:30:33 - Pers. Attorney: Manweiler, Mark  
replies, does not fall into one of the categories.

12:30:46 - Judge: Horton, Joel D.  
again reviews the State's exhibit 182.

12:31:11 - State Attorney: Armstrong, Shelley  
indicates offering Mr. Thorngren's email, not offering Mr. M  
elton's for the

12:31:28 - State Attorney: Armstrong, Shelley  
truth.

12:31:31 - Pers. Attorney: Manweiler, Mark  
notes there is not date on Curt's email.

12:31:40 - Judge: Horton, Joel D.  
indicates at once 1 sentence would be admissable, sustains t  
he objection.

12:32:04 - State Attorney: Armstrong, Shelley

000254

will seek to offer at a later time.

12:32:16 - Pers. Attorney: Manweiler, Mark  
indicates no questions.

12:32:20 - General:  
There is nothing further, the witness is excused.

12:32:31 - State Attorney: Armstrong, Shelley  
offers State's exhibit 181 into evidence, no objection, admitted & published.

12:40:42 - General:  
Publication of State's exhibit 181 is complete.

12:41:07 - Other: Medema, Jonathan  
calls CAPTAIN ROD SHAUL, sworn by the clerk.

12:41:27 - Other: Medema, Jonathan  
begins direct examination.

12:49:29 - Other: Medema, Jonathan  
has the witness view State's exhibit 39, identified.

12:52:28 - Other: Medema, Jonathan  
offers State's exhibit 39, no objection, admitted.

12:59:59 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:03:56 - Pers. Attorney: Manweiler, Mark  
requests to use the Grand Jury transcript.

13:04:11 - Judge: Horton, Joel D.  
publishes the grand jury transcript.

13:07:25 - Other: Medema, Jonathan  
begins re-direct.

13:09:36 - Pers. Attorney: Manweiler, Mark  
begins re-cross.

13:10:11 - General:  
There is nothing further, the witness is excused.

13:10:20 - State Attorney: Armstrong, Shelley  
calls ROSA TORRES, sworn by the clerk.

13:11:11 - State Attorney: Armstrong, Shelley  
begins direct examination.

13:44:55 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:56:54 - State Attorney: Armstrong, Shelley  
begins re-direct.

13:58:03 - General:  
There is nothing further, the witness is excused.

13:58:12 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.

13:59:18 - General:  
The jury is not present.

13:59:42 - Operator  
Stop recording:

000255

ADA COUNTY PUBLIC DEFENDER  
Attorneys for Defendant  
200 West Front Street, Suite 1107  
Boise, Idaho 83702  
Telephone: (208) 287-7400  
Facsimile: (208) 287-7409

JUL 27 2007

J. DAVID NAVARRO, Clerk  
By *[Signature]*  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	Criminal No. H0600792
Plaintiff,	)	
	)	
vs.	)	OBJECTIONS TO QUESTIONS
	)	
DONNA K. THORNGREN and	)	
AUSTIN D. THORNGREN,	)	
	)	
Defendants.	)	

COMES NOW, the Codefendant, AUSTIN THORNGREN, by and through his Attorney of Record, the Ada County Public Defender's Office, AMIL N. MYSHIN, handling attorney, and hereby objects to the following proposed prosecution questions;

A. In the fall of 2001, what kind of problems did you have with your dad?

- 24. While you lived with Jona on Goddard, were you using drugs?
- 25. What kind of drugs?
- 26. How often?
- 27. What method did you use to ingest the drugs?
- 28. How would you get the money to buy the drugs?
- 29. Did your mother or grandmother, Alice Vetter, give you money for drugs?

30. How often?
31. How much?
32. From January 2002 until May, 2002, were you sleeping regularly?
33. What were you doing instead of sleeping?
48. What would you do when you went home during this time period?

**B. Did you go to juvenile detention in January, 2002?**

4. Did the defendant ever buy you "kits" so you could have a clean test?
5. How much did they cost?
6. Did they always work?
7. How many times did you fail drug tests in Feb. 2002 to March 2002?
8. How did your mother react when she learned you failed?

**C. From August 7, 2002 until mid September, 2002, who did you hang out with?**

1. Were you still smoking meth and marijuana during this time?
2. More meth and marijuana than in February, March and April
11. Were you present during anytime in 2002, when you heard your mother offer you or your friend's insurance money to kill your dad?
12. Were you present during anytime in 2002 when you heard your mother offer your friends drugs or a motorcycle if they or you would kill your dad?
22. Did she tell you she was worried you were going to run on the armed robbery bond?
23. What did your mother say about why she was worried about that?
24. How long before your dad was murdered did she say this?
25. Did she say it more than once?
26. Were you supposed to go to a wedding for a girl at the Dry Cleaner's on Friday, July 10, 2003?

000257

27. Did you go?
28. Where did you end up that night?
29. Were you under the influence?

**D. On Saturday, January 11, 2003, what time did you wake up?**

6. Did you go out that night?
7. What time did you leave?
8. Who did you pick up?
9. What car did you drive?
10. Where did you go that night?
11. What time did you get there?
12. What did you do while you were there?
15. When were you supposed to be home?
16. Did you go home at that time?
17. Was your plan to stay out longer than midnight?
18. How long?
19. What time did you get to your home?

**E. The next day, January 12, 2003, what time did you wake up?**

6. Before you saw your mother, did she call you on her cell phone?
7. What did she tell you?
8. When you saw her, where were you?
9. Did your mother talk to you in the shed?
10. While she was talking to you, did anyone walk inside?
11. Who?
12. What did you say?
13. Why did you say that?
14. How long did you talk to your mother?
15. After you talked to her, what was your demeanor?
16. Please describe your demeanor specifically?
17. Was your demeanor related to what your mother had told you?

**F. After your father was murdered, could you go back home?**



2. I'm showing you these green notes that were found inside the insurance benefits packet mailed to your grandmother's home. Did you write these?

3. Who was there when you write this?

**G. When the police asked you if your mom killed your dad or had him killed, what did you tell them?**

1. Do you recall telling them that your mom didn't have enough money to do that?

**H. I'm showing you an exhibit marked \_\_\_\_ which is your myspace profile picture back in 2006. Do you recognize it?**

1. Who put this together for you in the website format?

2. Did your mother see it?

3. Did you print a copy of it?

4. Did you see your mother with a copy of it in her possession?

5. Using the picture, can you please describe for us your tattoo, names and the dates.

6. At the top, please tell us what it says and what it means.

7. In March, 2006, you posted information about yourself on your myspace profile and you sent an open message out to several people who you said you hate. Correct?

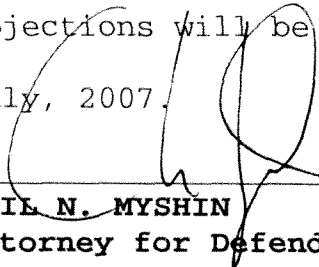
8. Who are the names of the people you listed that you hated?

9. After the subpoenas went out for grand jury, you slightly changed that didn't you. Please tell us how you changed it.

Counsel for Codefendant, Austin Thorngren, is not aware of the context for many of the aforementioned questions. Also, since the State is not limited to its proposed questions, there

may be additional objectionable questions from the State. In addition, counsel does not know what questions may be asked on cross examination or redirect. Therefore, there will likely be additional questions to which objections will be made.

DATED, this 27<sup>th</sup> day of July, 2007.



---

AMIE N. MYSHIN  
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 27 day of July, 2007, I delivered a true and correct copy of the foregoing via Interdepartmental Mail or mailed postage prepaid through the United States Postal Service to the following:

Shelley Armstrong  
Ada County Prosecuting Attorney  
Interdepartmental Mail

Mark Manweiler  
PO Box 937  
Boise, ID 83701

by depositing the same in the Interdepartmental Mail.

  
Katie Van Vorhis

Session: Horton072707  
Session Date: 2007/07/27  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:11

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0601492  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/07/27

08:54:00 - Operator  
Recording:  
08:54:00 - New case  
THORNGREN, DONNA  
08:54:18 - General:  
The defendant is present, on bond.  
08:54:23 - General:  
The jury is not present.  
08:54:26 - Judge: Horton, Joel D.  
discusses a problem with juror #93.  
08:54:36 - General:  
The bailiff informs counsel of the issues that juror #93 is  
dealing with  
08:54:59 - General:  
right now.  
08:55:01 - General:  
The bailiff indicates the juror is overwhelmed.  
08:55:12 - Judge: Horton, Joel D.  
discusses bringing in juror #93 to conduct voire dire.  
08:55:23 - General:  
Counsel agree to bring in the juror.  
08:56:00 - General:  
Juror #93 is present.  
08:56:24 - Judge: Horton, Joel D.

000262

08:56:40 - General:  
Juror #93 is sworn by the clerk.

08:57:02 - Judge: Horton, Joel D.  
questions juror #93.

08:57:19 - General:  
Juror #93 responds to the Court's questions.

08:57:52 - General:  
The juror cannot give the case her undivided attention.

08:58:00 - General:  
Counsel have no questions.

08:58:04 - Judge: Horton, Joel D.  
directs the juror not to discuss the issue with other jurors

08:58:31 - General:  
Juror #93 leaves the courtroom.

08:58:47 - State Attorney: Armstrong, Shelley  
requests the Court excuse the juror.

08:58:58 - Pers. Attorney: Manweiler, Mark  
requests the Court excuse the juror.

08:59:22 - Judge: Horton, Joel D.  
sees not alternative other than to excuse juror #93.

08:59:30 - Judge: Horton, Joel D.  
directs the bailiff inform juror #93 is excused.

08:59:50 - Operator  
Stop recording: (Off Record)

09:04:29 - Operator  
Recording:

09:04:29 - Record  
THORNGREN, DONNA

09:04:36 - General:  
The jury is present.

09:05:06 - General:  
Counsel stipulate the jury is seated as sworn.

09:05:24 - Judge: Horton, Joel D.  
notes to the jury that juror #93 has been excused.

09:05:39 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JIM MILLER, sworn by the clerk.

09:06:03 - State Attorney: Armstrong, Shelley  
begins direct examination.

09:10:31 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 501, identified.

09:11:38 - State Attorney: Armstrong, Shelley  
offers State's exhibit 501, no objection, admitted.

09:11:57 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 1 thru 96 (except for 39), identified.

09:16:08 - State Attorney: Armstrong, Shelley  
offers State's exhibits 1-96, except for 39 (previous admitted) are admitted.

09:33:25 - Pers. Attorney: Manweiler, Mark  
objects, speculation, Ms. Armstrong responds.

09:33:39 - Judge: Horton, Joel D.  
requires counsel to lay additional foundation.

09:38:57 - Pers. Attorney: Manweiler, Mark  
objects, speculation and foundation, sustained as to foundation and compound

09:39:10 - Pers. Attorney: Manweiler, Mark  
question.

000263

10:01:18 - Pers. Attorney: Manweiler, Mark  
objects, sustained as ambiguous.

10:30:05 - Judge: Horton, Joel D.  
admonishes the jury for the morning recess.

10:31:07 - Operator  
Stop recording: (Off Record)

10:44:29 - Operator  
Recording:

10:44:29 - Record  
THORNGREN, DONNA

10:44:30 - General:  
The jury is present.

10:44:58 - General:  
Counsel stipulate the jury is seated as sworn.

10:45:12 - Judge: Horton, Joel D.  
reiminds the witness of his previous oath.

10:45:22 - State Attorney: Armstrong, Shelley  
resumes direct examination.

10:46:44 - Pers. Attorney: Manweiler, Mark  
objects, speculation and foundation, overruled.

10:59:41 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 209 and 210, identified

11:00:59 - State Attorney: Armstrong, Shelley  
offers State's exhibits 209 and 210, no objection, admitted.

11:02:13 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 203 and 204, identified.

11:04:18 - State Attorney: Armstrong, Shelley  
offers State's exhibit 203, Mr. Manweiler notes prior objection, admitted.

11:05:01 - State Attorney: Armstrong, Shelley  
offers State's exhibit 204, no objection, admitted.

11:05:28 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 127, identified.

11:07:01 - State Attorney: Armstrong, Shelley  
offers State's exhibit 127, no objection, admitted.

11:07:11 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 205, identified.

11:07:54 - State Attorney: Armstrong, Shelley  
offers State's exhibit 205, Mr. Manweiler has no objection, admitted.

11:08:05 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 200, 201 and 202, identified.

11:09:29 - State Attorney: Armstrong, Shelley  
offers State's exhibits 200, 201 and 202, no objection, admitted.

11:09:38 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 208, identified.

11:10:47 - State Attorney: Armstrong, Shelley  
offers State's exhibit 208, no objection, admitted.

11:10:55 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 213, 214, 215 and 216, identified.

11:12:31 - State Attorney: Armstrong, Shelley  
offers State's exhibits 213, 214, 215 and 216, no objection, admitted.

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11:12:41 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 217 and 218, identified.

11:13:40 - State Attorney: Armstrong, Shelley  
offers State's exhibits 217 and 218, no objection, admitted.

11:13:52 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 207 and 219, admitted.

11:16:31 - State Attorney: Armstrong, Shelley  
offers State's exhibit 207, no objection, admitted.

11:16:42 - Pers. Attorney: Manweiler, Mark  
questions in aid of objection as to 219.

11:17:14 - Pers. Attorney: Manweiler, Mark  
objects, Ms. Armstrong responds.

11:17:27 - Pers. Attorney: Manweiler, Mark  
withdraws the objection.

11:17:31 - Judge: Horton, Joel D.  
admits State's exhibit 219.

11:17:40 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 220, identified.

11:19:27 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 404, identified.

11:20:04 - State Attorney: Armstrong, Shelley  
offers State's exhibit 404, no objection, admitted.

11:21:06 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 405, 400, 401 and 402,  
identified.

11:22:57 - State Attorney: Armstrong, Shelley  
offers State's exhibits 405, 400, 401, and 402.

11:23:06 - Pers. Attorney: Manweiler, Mark  
objects til chain of custody is estabed, sustained.

11:23:16 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 171, identified.

11:23:59 - State Attorney: Armstrong, Shelley  
reserves as to 171.

11:24:15 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 199 and 300.

11:26:56 - State Attorney: Armstrong, Shelley  
offers State's exhibit 199, no objection, admitted.

11:28:09 - State Attorney: Armstrong, Shelley  
offers State's exhibit 300, Mr. Manweiler questions in aid o  
f objection, no

11:28:23 - State Attorney: Armstrong, Shelley  
objection, admitted.

11:30:56 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 500, identified.

11:32:06 - State Attorney: Armstrong, Shelley  
offers exhibit 500, Mr. Manweiler questions in aid of object  
ion.

11:32:36 - Pers. Attorney: Manweiler, Mark  
no objection, admitted.

11:33:20 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 403, identified.

11:34:20 - State Attorney: Armstrong, Shelley  
offers State's exhibit 403, no objection, admitted.

11:35:00 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:39:27 - Pers. Attorney: Manweiler, Mark  
has the witness review the grand jury transcript.

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11:42:07 - General:  
The witness refers to his report.

12:09:05 - Pers. Attorney: Manweiler, Mark  
begins re-cross.

12:10:57 - General:  
There is nothing further, the witness steps down, subject to recall.

12:11:09 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:12:08 - Operator  
Stop recording: (Off Record)

12:24:48 - Operator  
Recording:

12:24:48 - Record  
THORNGREN, DONNA

12:25:02 - General:  
The jury is present.

12:25:19 - General:  
Counsel stipulate the jury is seated as sworn.

12:25:39 - Other: Medema, Jonathan  
calls JENNIFER TAYLOR, sworn by the clerk.

12:26:03 - Other: Medema, Jonathan  
begins direct examination.

12:43:24 - State Attorney: Armstrong, Shelley

12:43:26 - Other: Medema, Jonathan  
has the witness refresh her memory with her report.

12:44:24 - State Attorney: Armstrong, Shelley

12:44:25 - Other: Medema, Jonathan  
indicates the State and defense counsel will stipulate to admit State's

12:44:41 - Other: Medema, Jonathan  
exhibit 505.

12:44:44 - Pers. Attorney: Manweiler, Mark  
agrees.

12:44:46 - Judge: Horton, Joel D.  
admits State's exhibit 505.

12:57:41 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:02:36 - General:  
There is nothing further, the witness is excused.

13:02:45 - State Attorney: Armstrong, Shelley  
calls DR. GLENN GROBEN, sworn by the clerk.

13:03:31 - State Attorney: Armstrong, Shelley  
begins direct examination.

13:17:01 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 118 and 120, identified.

13:18:07 - State Attorney: Armstrong, Shelley  
offers State's exhibit 118 and 120.

13:18:12 - Pers. Attorney: Manweiler, Mark  
objects as inflammatory and not probative.

13:18:24 - Judge: Horton, Joel D.  
reviews State's exhibits 118 and 120.

13:18:36 - Judge: Horton, Joel D.  
overrules the objection.

13:18:44 - Judge: Horton, Joel D.  
the exhibits are admitted.

13:28:29 - State Attorney: Armstrong, Shelley

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has the witness view State's exhibits 402, 400 and 401, identified.

13:28:55 - State Attorney: Armstrong, Shelley  
offers State's exhibits 400, 401 and 402, no objection, admitted.

13:31:19 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 406, 407, 408, 409, 410 and 411,

13:31:34 - State Attorney: Armstrong, Shelley  
identified.

13:31:54 - State Attorney: Armstrong, Shelley  
offers State's exhibits 406-411, no objection, admitted.

13:36:47 - State Attorney: Armstrong, Shelley  
has the witness review his report.

13:37:07 - State Attorney: Armstrong, Shelley  
withdraws request to mark 504.

13:42:34 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:43:08 - Pers. Attorney: Manweiler, Mark  
has defense exhibits A and B marked and shown to the witness, identified.

13:44:09 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit A, no objection, admitted.

13:44:36 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit B, no objection, admitted.

13:54:24 - State Attorney: Armstrong, Shelley  
begins re-direct.

13:55:42 - General:  
There is nothing further, the witness is excused.

13:55:53 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.

13:56:54 - General:  
The jury is not present.

13:56:59 - Judge: Horton, Joel D.  
discusses taking up notice of intent to impeach on Monday.

13:57:24 - State Attorney: Armstrong, Shelley  
requests to offer a redacted version of the earlier email.

13:57:40 - Pers. Attorney: Manweiler, Mark  
responds and objects on same grounds.

13:57:50 - Judge: Horton, Joel D.  
reviews 182a.

13:58:31 - Judge: Horton, Joel D.  
overrules the hearsay objection.

13:58:58 - Judge: Horton, Joel D.  
admits State's exhibit 182a.

13:59:06 - State Attorney: Armstrong, Shelley  
requests the Court reconsider an earlier ruling re: Detective Ellis.

14:00:04 - Pers. Attorney: Manweiler, Mark  
objects to the reconsideration.

14:00:47 - State Attorney: Armstrong, Shelley  
replies.

14:01:43 - Judge: Horton, Joel D.

14:02:22 - Judge: Horton, Joel D.  
denies the motion for reconsideration.

14:02:33 - Operator  
Stop recording:

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JUL 30 2007

J. DAVID NAWARRO, Clerk

By \_\_\_\_\_ Deputy

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Idaho State Bar No. 3104

ATTORNEYS FOR DEFENDANT  
DONNA KAY THORNGREN

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	Case No. H0600792
Plaintiff,	)	
	)	ORDER RE: STATE'S MOTION IN
vs.	)	LIMINE AND NOTICE OF
	)	RECORDINGS
DONNA KAY THORNGREN and	)	
AUSTIN DONOVAN THORNGREN,	)	
	)	
Defendants.	)	

This matter came on regularly for hearing on July 16, 2007 before The Honorable Joel D. Horton, District Judge, on the State's Motion in Limine and Notice of Recordings, filed under seal on July 5, 2007. The State appeared by and through Shelley W. Armstrong and Jonathan Medema, Deputy Ada County Prosecuting Attorneys, its attorneys of record. Defendant Donna Thorngren appeared in person and by and through Mark H. Manweiler, of the firm MANWEILER, BREEN, BALL & HANCOCK, PLLC, her attorney of

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record. Co-Defendant, Austin Donovan Thorngren appeared in person and by and through Amil N. Myshin, Jr., Deputy Ada County Public Defender, his attorney of record.

The Court, having heard oral argument from counsel for the State and Defendant Donna Kay Thorngren, and having considered the pleadings, affidavits and other documents on file herein, and good cause appearing herefore, IT IS HEREBY ORDERED AND THIS DOES ORDER as follows:

1. Part A ("Prior Convictions") of the State's Motion, the Motion in Limine is granted in part and denied in part. Specifically, the Court rules as follows:

a. If Raymond Castaneda is still on probation, the Defendant may impeach him by inquiring into the fact of his felony conviction and the nature and duration of his sentence, but not the nature of his felony conviction;

b. The Defendant may impeach Faron Hawkins by inquiring into both the fact and nature of his prior felony convictions;

c. The Defendant may impeach Amy Hyder by inquiring into the fact of her felony conviction and the nature and duration of her sentence, but not the nature of her felony conviction;

d. The Defendant may impeach Todd Ketterling by inquiring into the fact of his felony convictions for possession

of a controlled substance and the nature and duration of his sentences, but not the nature of these felony convictions. The Defendant may not impeach him by inquiring into his 1991 felony conviction for grand theft;

e. The Defendant may impeach Adam Madril by inquiring into the fact of his felony conviction and the nature and duration of his sentence, but not the nature of his felony conviction;

f. The Defendant may impeach Fred Marler by inquiring into the fact of his felony conviction and the nature and duration of his sentence, but not the nature of his felony conviction;

g. The Defendant may impeach Garrett McCoy by inquiring into the fact of his felony conviction and the nature and duration of his sentence, but not the nature of his felony conviction;

h. The Defendant may not impeach Ryan McCoy by inquiring into his 1999 felony Withheld Judgment;

i. The Defendant may impeach Mikkell Tadeo/Soper by inquiring into the fact of his felony conviction and the nature and duration of his sentence;

j. The Defendant may impeach Jason Waidelich by inquiring into the fact of his felony convictions for possession of a controlled substance, possession of a controlled substance

with the intent to deliver and aiding and abetting a robbery, and the nature and duration of his sentences, but not the nature of those felony convictions. In addition, the Defendant may also impeach Jason Waidelich by inquiring into both the fact and nature of his felony conviction for grand theft.

2. Part B ("Defendant's Statements-Letters & Memos"), of the State's Motion in Limine is granted in part and denied in part. The Motion is granted with respect to the letters from Donna Thorngren's defense attorney dated July 10, 2003 and June 8, 2004. The Court finds that these statements are non-hearsay statements of an agent of a party opponent pursuant to Rule 801(d)(2)(D), Idaho Rules of Evidence, are not cumulative pursuant to Rule 403, Idaho Rules of Evidence, are not inadmissible settlement discussions <sup>within the applicable scope of</sup> ~~pursuant to~~ Rule 408, Idaho Rules of Evidence, and are relevant and admissible with respect to the issue of motive. As there is no objection, the State's Motion is granted with respect to the 12-6-04 Affidavit of Donna Kay Thorngren and the 4-29-05 Waiver of Claim in Interpleader of Donna Kay Thorngren. Assuming the State can lay the adequate foundation, these two documents will be admitted. With respect to defense counsel's memo dated 12-8-04, defense counsel's letter dated 2-17-05, and defense counsel's letter and memo dated 6-16-06, the State's Motion is denied. The Court does not accept the State's argument that these documents constitute

adoptive admissions within the meaning of Rule 801(d)(2)(B), Idaho Rules of Evidence, merely because Defendant Donna Kay Thorngren received copies of these letters. Further, the Court finds that any probative value of these memos and letters would be substantially outweighed by its prejudicial impact and therefore, finds that these memos and letters are inadmissible pursuant to Rule 403, Idaho Rules of Evidence.

3. Part C ("Defendant's Statements - 'Beating a Polygraph'"), of the State's Motion in Limine is denied. The State has not made an affirmative showing that it was the Defendant herself who made these inquiries. Further, under State v. Perry, 139 Idaho 520, 81 P.3d 1230 (2004), neither the results of a polygraph nor the fact that a defendant took or refused a polygraph is admissible in a jury trial over the objection to the other party. Even if these statements did have some probative value, such probative value would be substantially outweighed by its prejudicial impact and therefore, the statements are also inadmissible pursuant to Rule 403, Idaho Rules of Evidence.

4. Part D ("Austin's MySpace Profile Picture"), of the State's Motion in Limine is denied. The Court finds that the danger of unfair prejudice substantially outweighs any probative value of this evidence and therefore this evidence is inadmissible pursuant to Rule 403, Idaho Rules of Evidence.

5. Part E ("Defendant's Statements-Vicki Poole Residence"), of the State's Motion in Limine is denied. Any marginal probative value this statement may have is substantially outweighed by the danger of unfair prejudice and therefore the statement is inadmissible pursuant to Rule 403, Idaho Rules of Evidence.

6. Part F ("Taped Statements of the Defendant"), of the State's Motion in Limine is granted in part and denied in part. Specifically, as there is no objection, the State's Motion is granted with respect to the 1-12-03 911 tape of the phone call from Amber Thorngren. With respect to the 1-12-03 interview of the Defendant in Detective Joe Miller's car, the Court cannot conclude on the state of the current record that the non-party statements of Alice Vetter are admissible and therefore the Court will require that those statements be redacted prior to the introduction into evidence of this tape. With respect to the 1-12-03 group discussion, the Court cannot conclude on the state of the current record that the non-party statements are admissible and therefore the State's Motion to admit this tape without redactions is denied. With respect to the 1-14-03 group discussion, the Court orders the State to redact any statements attributable to non-parties prior to introducing this tape into evidence. With respect to the 1-21-03 interview of Donna Thorngren, the Court denies the Defendant's request for a

blanket redaction of the entire portion of this tape which begins at the top of page 26 of the State's interview summary. However, the Court will allow the Defendant to make further, more specific objections to this portion of the tape based on hearsay and confrontation clause issues. With respect to the jail phone calls, this portion of the State's Motion is denied since the Court cannot make a blanket ruling pre-trial that they are relevant and admissible based on the current state of the record.

IT IS SO ORDERED this 30 day of July, 2007.



---

Joel D. Horton,  
District Judge



CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 31 day of July, 2007, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Shelley W. Armstrong  
Jonathan Medemda  
Ada County Prosecutor's Office  
Criminal Division  
200 West Front Street, Room 3191  
Boise, Idaho 83702  
Facsimile: (208) 287-7709


       U.S. Mail *Hand Delivered*  
  X   ~~Interdepartmental Mail~~  
       Overnight Mail  
       Facsimile

Mark H. Manweiler  
MANWEILER, BREEN, BALL &  
HANCOCK, PLLC  
290 Bobwhite Court, Suite 300  
P.O. Box 937  
Boise, Idaho 83701-0937  
Facsimile: (208) 424-3100

       U.S. Mail  
  X   Hand Delivered  
       Overnight Mail  
       Facsimile

Amil N. Myshin, Jr.  
Ada County Public Defender's  
Office  
Criminal-Felony Division  
200 West Front Street, Room 1107  
Boise, Idaho 83702  
Facsimile: (208) 287-7409

       U.S. Mail  
  X   Interdepartmental Mail  
       Overnight Mail  
       Facsimile

  
Clerk of the Court

Session: Horton073007  
Session Date: 2007/07/30  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:05

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender: Myshin, Amil

2007/07/30

09:00:29 - Operator  
Recording:  
09:00:29 - New case  
THORNGREN, DONNA  
09:00:48 - General:  
The defendant is present, on bond.  
09:00:54 - General:  
The jury is present.  
09:01:15 - General:  
Counsel stipulate that the jury is seated as sworn.  
09:01:28 - State Attorney: Armstrong, Shelley  
calls SKIP SCHWOEBLE, sworn by clerk.  
09:01:50 - State Attorney: Armstrong, Shelley  
begins direct examination.  
09:12:20 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 144, identified.  
09:13:21 - State Attorney: Armstrong, Shelley  
offers State's exhibit 144 for illustrative purposes, no objection, admitted  
09:13:37 - State Attorney: Armstrong, Shelley  
for illustrative purposes.  
09:14:17 - State Attorney: Armstrong, Shelley  
requests to to publish State's exhibit 144, no objection, published.

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09:46:38 - Pers. Attorney: Manweiler, Mark  
objects, requests to answer yes or no, moves to strike as non-responsive.

09:46:53 - Judge: Horton, Joel D.  
sustains as non-responsive.

09:47:04 - Pers. Attorney: Manweiler, Mark  
objects, lack of foundation, voire dire in aid of objection

09:48:50 - Pers. Attorney: Manweiler, Mark  
objects, no evidentiary foundation showing that the test results accurately

09:49:04 - Pers. Attorney: Manweiler, Mark  
duplicate the crime scene.

09:49:11 - Pers. Attorney: Manweiler, Mark  
cites the State v. Johnson case.

09:49:36 - State Attorney: Armstrong, Shelley  
responds.

09:50:41 - Judge: Horton, Joel D.  
based upon the testimony, overrules the objection.

09:57:47 - Pers. Attorney: Manweiler, Mark  
objects, compound, sustained.

10:00:40 - Pers. Attorney: Manweiler, Mark  
has not seen these diagrams.

10:00:46 - State Attorney: Armstrong, Shelley  
indicates she provided the diagrams w/ the amounts.

10:00:56 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:02:04 - General:  
The jury is not present.

10:02:08 - Judge: Horton, Joel D.  
goes off the record for the attorneys to sort out the report issue.

10:02:28 - Operator  
Stop recording: (Off Record)

10:23:24 - Operator  
Recording:

10:23:24 - Record  
THORNGREN, DONNA

10:23:24 - General:  
The jury is not present.

10:23:35 - Pers. Attorney: Manweiler, Mark  
has determined that the documents the witness was looking at were not

10:23:46 - Pers. Attorney: Manweiler, Mark  
provided to the defense, but was provided in a different form.

10:23:54 - Pers. Attorney: Manweiler, Mark  
requests a few minutes to compare the documents to his own.

10:24:10 - Judge: Horton, Joel D.  
questions as to how much time.

10:24:14 - Pers. Attorney: Manweiler, Mark  
requests 20 minutes.

10:24:19 - State Attorney: Armstrong, Shelley  
indicates all the information has been provided, this is just a cheat sheet

10:24:36 - State Attorney: Armstrong, Shelley  
from the witness.

10:24:52 - Judge: Horton, Joel D.

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will inform the jury of a recess until 10:45 a.m.  
10:25:13 - Operator  
Stop recording: (Off Record)  
10:47:43 - Operator  
Recording:  
10:47:43 - Record  
THORNGREN, DONNA  
10:47:45 - General:  
The jury is present.  
10:48:19 - General:  
Counsel stipulate the jury is seated as sworn.  
10:48:29 - Judge: Horton, Joel D.  
reminds the witness of his previous oath.  
10:48:35 - Judge: Horton, Joel D.  
explains the delay to the jury.  
10:48:47 - State Attorney: Armstrong, Shelley  
resumes direct examination.  
11:06:28 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
11:24:15 - State Attorney: Armstrong, Shelley  
objects, allow to answer, overruled.  
11:35:19 - State Attorney: Armstrong, Shelley  
objects, argumentative, overruled.  
11:36:53 - State Attorney: Armstrong, Shelley  
begins re-direct.  
11:39:25 - Pers. Attorney: Manweiler, Mark  
objects, leading, sustained.  
11:42:09 - Pers. Attorney: Manweiler, Mark  
objects to the form, mis-states the testimony, sustained as  
to the form of  
11:42:24 - Pers. Attorney: Manweiler, Mark  
the question.  
11:53:45 - Pers. Attorney: Manweiler, Mark  
begins re-cross.  
11:57:56 - State Attorney: Armstrong, Shelley  
objects, asked and answered, overruled.  
11:58:01 - General:  
There is nothing further, the witness is excused.  
11:58:18 - Other: Medema, Jonathan  
calls DALE SANGER, sworn by the clerk.  
11:59:17 - Other: Medema, Jonathan  
begins direct examination.  
12:06:51 - Other: Medema, Jonathan  
has the witness view State's exhibits 506, 507 and 508, iden  
tified.  
12:08:57 - State Attorney: Armstrong, Shelley  
offers State's exhibits 506, 507 and 508, no objection, admi  
tted.  
12:25:49 - Other: Medema, Jonathan  
has the witness review his grand jury testimony.  
12:27:28 - Pers. Attorney: Manweiler, Mark  
12:27:31 - Judge: Horton, Joel D.  
admonishes the jury for a recess.  
12:27:45 - Judge: Horton, Joel D.  
gives juror #79 a message from the jury office.  
12:28:24 - Operator  
Stop recording: (Off Record)  
12:29:01 - Operator

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Recording:  
12:29:01 - Record  
THORNGREN, DONNA  
12:29:01 - General:  
The jury is not present.  
12:29:14 - Judge: Horton, Joel D.  
discusses an earlier ruling regarding the 4 shot testimony.  
12:29:55 - Operator  
Stop recording: (Off Record)  
12:44:04 - Operator  
Recording:  
12:44:04 - Record  
THORNGREN, DONNA  
12:44:46 - General:  
Counsel stipulate the jury is seated as sworn.  
12:44:52 - Judge: Horton, Joel D.  
reminds the witness of his oath.  
12:44:58 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
12:45:05 - State Attorney: Armstrong, Shelley  
12:45:06 - Other: Medema, Jonathan  
stipulates to defense exhibit C.  
12:45:13 - Judge: Horton, Joel D.  
admits defense exhibit C.  
12:56:48 - Other: Medema, Jonathan  
begins re-direct.  
13:01:53 - Pers. Attorney: Manweiler, Mark  
begins re-cross.  
13:03:01 - General:  
There is nothing further, the witness is excused.  
13:03:11 - Other: Medema, Jonathan  
calls REBECCA SANGER, sworn by the clerk.  
13:03:51 - Other: Medema, Jonathan  
begins direct examination.  
13:10:32 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
13:12:30 - General:  
There is nothing further, the witness is excused.  
13:12:41 - Other: Medema, Jonathan  
calls KRISTOPHER BROKAW, sworn by the clerk.  
13:13:23 - Other: Medema, Jonathan  
begins direct examination.  
13:31:06 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
13:34:43 - Pers. Attorney: Manweiler, Mark  
has the witness review his testimony from the grand jury transcript.  
13:38:53 - Other: Medema, Jonathan  
begins re-direct.  
13:40:05 - General:  
There is nothing further, the witness is excused.  
13:40:15 - Other: Medema, Jonathan  
calls DETECTIVE SERGEANT MIKE DESTERMAIN.  
13:40:55 - Other: Medema, Jonathan  
begins direct examination.  
13:51:55 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
13:53:45 - Other: Medema, Jonathan

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begins re-direct.  
13:54:02 - General:  
There is nothing further, the witness is excused.  
13:54:21 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.  
13:55:23 - General:  
The jury is not present.  
13:55:27 - State Attorney: Armstrong, Shelley  
questions as to hearing.  
13:55:32 - Judge: Horton, Joel D.  
responds.  
13:55:39 - Operator  
Stop recording:  
14:57:19 - Operator  
Recording:  
14:57:19 - Record  
THORNGREN, DONNA  
14:57:23 - General:  
The jury is not present, the Court is in session for 2 hearings.  
14:57:35 - Judge: Horton, Joel D.  
takes up the objections to the questions directed to Austin Thorngren.  
14:57:47 - Public Defender: Myshin, Amil  
argues regarding the objections re: Austin's probation.  
14:58:45 - State Attorney: Armstrong, Shelley  
14:58:48 - Other: Medema, Jonathan  
responds to the argument, discusses the Court's previous order.  
14:59:03 - Other: Medema, Jonathan  
indicates A-G would not apply.  
14:59:10 - Other: Medema, Jonathan  
discusses H, the website.  
14:59:27 - Judge: Horton, Joel D.  
questions Mr. Medema and he responds.  
14:59:36 - Pers. Attorney: Manweiler, Mark  
responds, notes H was the only section he had a concern about.  
14:59:51 - Pers. Attorney: Manweiler, Mark  
believes H is taken care of by a prior ruling.  
14:59:57 - Public Defender: Myshin, Amil  
nothing further.  
15:00:00 - Judge: Horton, Joel D.  
15:00:24 - Judge: Horton, Joel D.  
discusses A-G, overrules as to A-G.  
15:00:41 - Judge: Horton, Joel D.  
will not permit the State to question as to letter H.  
15:01:00 - Judge: Horton, Joel D.  
takes up the 7/23/07 2nd Suppl. Notice of Intent to Impeach.  
15:01:22 - Pers. Attorney: Manweiler, Mark  
argues regarding the 2nd Supp. Notice of Intent to Impeach.  
15:01:37 - Pers. Attorney: Manweiler, Mark  
indicates the parties agree can question as to the conviction, but not the  
15:01:48 - Pers. Attorney: Manweiler, Mark  
nature of the conviction.  
15:01:51 - Pers. Attorney: Manweiler, Mark  
indicates can inquire as to the length of the sentence.

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15:02:01 - Other: Medema, Jonathan  
indicates acceptable to the State.  
15:02:06 - Pers. Attorney: Manweiler, Mark  
submits a proposed order on the State's motion in limine.  
15:02:42 - Judge: Horton, Joel D.  
will review and determine whether or not is consistent with  
the Court's  
15:02:52 - Judge: Horton, Joel D.  
ruling.  
15:03:16 - Operator  
Stop recording:

000281

Session: Horton073107  
Session Date: 2007/07/31  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 07:47

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/07/31

09:02:21 - Operator  
Recording:  
09:02:21 - New case  
THORNGREN, DONNA  
09:02:37 - General:  
The jury is present.  
09:02:43 - General:  
The defendant is present, on bond.  
09:03:11 - General:  
Counsel stipulate the jury is seated as sworn.  
09:03:21 - Judge: Horton, Joel D.  
notes Mr. Medema's absence is because he is ill today.  
09:03:32 - State Attorney: Armstrong, Shelley  
calls DR. EDWARD BARBIERI, sworn by the clerk.  
09:03:51 - State Attorney: Armstrong, Shelley  
begins direct examination.  
09:52:21 - Pers. Attorney: Manweiler, Mark  
objection, leading, sustained.  
10:09:08 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 509, identified.  
10:09:19 - State Attorney: Armstrong, Shelley  
offers State's exhibit 509 for illustrative purposes.  
10:09:28 - Pers. Attorney: Manweiler, Mark  
objects, not proper to talk about hypothetical testimony.

000282



10:09:42 - State Attorney: Armstrong, Shelley  
responds to the objection, Dawson will testify.

10:09:51 - Pers. Attorney: Manweiler, Mark  
indicates not in the record.

10:10:00 - State Attorney: Armstrong, Shelley  
requests a conditional allowance.

10:10:15 - Judge: Horton, Joel D.  
is not in the position to evaluate what it is, does not know  
about the

10:10:30 - Judge: Horton, Joel D.  
comparison.

10:10:32 - Judge: Horton, Joel D.  
would need an understanding of what is to be offered.

10:10:42 - Judge: Horton, Joel D.  
refuses 509.

10:10:46 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 509a, identified.

10:12:28 - State Attorney: Armstrong, Shelley  
offers State's exhibit 509a and 509 for illustrative purpose  
s, requests the

10:12:44 - State Attorney: Armstrong, Shelley  
Court review 509a.

10:12:51 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:13:48 - General:  
The jury is not present.

10:13:51 - Pers. Attorney: Manweiler, Mark  
objects, notes prior objection and Rule 16 of the criminal r  
ules.

10:14:22 - Pers. Attorney: Manweiler, Mark  
indicates he has never seen 509a until today and were never  
told there would

10:14:37 - Pers. Attorney: Manweiler, Mark  
be comparison testimony.

10:15:58 - Pers. Attorney: Manweiler, Mark  
indicates this is a new opinion in the defense view.

10:16:07 - State Attorney: Armstrong, Shelley  
responds.

10:20:36 - Judge: Horton, Joel D.  
refuses the offer of both 509 and 509a.

10:20:44 - Judge: Horton, Joel D.  
indicates the State's effort to present rebuttal evidence in  
the case in

10:20:57 - Judge: Horton, Joel D.  
chief.

10:21:48 - Judge: Horton, Joel D.  
indicates not admissable at this time.

10:22:21 - Judge: Horton, Joel D.  
indicates can do so when Mr. Dawson testifies.

10:22:51 - Operator  
Stop recording: (Off Record)

10:35:21 - Operator  
Recording:

10:35:21 - Record  
THORNGREN, DONNA

10:35:22 - General:  
The jury is present.

10:36:06 - General:

000283

Counsel stipulate the jury is seated as sworn.  
10:36:19 - Judge: Horton, Joel D.  
reminds the witness of his previous oath.  
10:36:25 - State Attorney: Armstrong, Shelley  
resumes direct examination.  
10:37:22 - State Attorney: Armstrong, Shelley  
has the witness draw a diagram.  
10:42:53 - Pers. Attorney: Manweiler, Mark  
objects to the form of the question, overruled.  
10:44:45 - State Attorney: Armstrong, Shelley  
requests to have diagram as State's exhibit 510.  
10:45:13 - Pers. Attorney: Manweiler, Mark  
no objection only as to illustrative purposes.  
10:45:25 - Judge: Horton, Joel D.  
denies the offer.  
10:45:31 - State Attorney: Armstrong, Shelley  
offers for illustrative purposes, no objection, admitted for  
illustrative  
10:45:43 - State Attorney: Armstrong, Shelley  
purposes.  
10:46:33 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 125, identified.  
10:47:46 - State Attorney: Armstrong, Shelley  
offers State's exhibit 125, no objection, admitted.  
10:47:53 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
11:13:41 - State Attorney: Armstrong, Shelley  
begins re-direct.  
11:24:51 - Pers. Attorney: Manweiler, Mark  
begins re-cross.  
11:26:41 - General:  
There is nothing further, the witness is excused.  
11:26:51 - State Attorney: Armstrong, Shelley  
calls ADAM KETTERLING, sworn by the clerk.  
11:27:26 - State Attorney: Armstrong, Shelley  
begins direct examination.  
11:31:32 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 511, identified.  
11:32:06 - State Attorney: Armstrong, Shelley  
offers State's exhibit 511, Mr. Manweiler objects as not probative, Ms.  
11:32:24 - State Attorney: Armstrong, Shelley  
Armstrong responds.  
11:32:29 - Pers. Attorney: Manweiler, Mark  
objects, cumulative, the Court review State's exhibit 511.  
11:32:47 - Judge: Horton, Joel D.  
overrules the object, admits State's exhibit 511.  
11:37:31 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 107, 108, 109 and 110,  
identified.  
11:38:46 - State Attorney: Armstrong, Shelley  
offers State's exhibits 107, 108, 109 and 110, Mr. Manweiler  
questions in aid  
11:39:08 - State Attorney: Armstrong, Shelley  
of objection, no objection with that clarification.  
11:39:17 - Judge: Horton, Joel D.  
admits State's exhibits 107, 108, 109 and 110.  
12:03:55 - State Attorney: Armstrong, Shelley

has the witness view State's exhibit 512, identified.

12:04:42 - State Attorney: Armstrong, Shelley  
offers State's exhibit 512, no objection, admitted.

12:09:22 - Pers. Attorney: Manweiler, Mark  
requests to take up a motion outside the presence of the jury.

12:09:31 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:10:19 - General:  
The jury is not present.

12:10:29 - Pers. Attorney: Manweiler, Mark  
moves to strike the testimony of Adam Ketterling as to the conversation in

12:10:44 - Pers. Attorney: Manweiler, Mark  
the shed.

12:10:58 - Pers. Attorney: Manweiler, Mark  
indicates it was Austin's conclusion of assumption.

12:11:42 - State Attorney: Armstrong, Shelley  
responds to the objection.

12:12:38 - Pers. Attorney: Manweiler, Mark  
nothing further.

12:12:41 - Judge: Horton, Joel D.  
denies the motion to strike.

12:12:54 - Judge: Horton, Joel D.  
will not revisit the 803 analysis.

12:13:01 - Judge: Horton, Joel D.  
discusses the relevance of the excited utterance.

12:13:36 - Judge: Horton, Joel D.  
discusses the timing of the conversation.

12:14:08 - Judge: Horton, Joel D.  
indicates it is that knowledge of relay that is of probative value.

12:14:29 - Operator  
Stop recording: (Off Record)

12:29:34 - Operator  
Recording:

12:29:34 - Record  
THORNGREN, DONNA

12:29:43 - General:  
The jury is present.

12:30:21 - General:  
Counsel stipulate the jury is seated as sworn.

12:30:27 - Judge: Horton, Joel D.  
reminds the witness of his previous oath.

12:30:33 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

12:48:54 - State Attorney: Armstrong, Shelley  
begins re-direct.

12:51:03 - Pers. Attorney: Manweiler, Mark  
objects and moves to strike, hearsay.

12:51:09 - Judge: Horton, Joel D.  
sustains the objection, grants the motion, strikes the last statement.

12:51:42 - General:  
There is nothing further, the witness steps down, subject to recall.

12:51:54 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JOE MILLER, sworn by the clerk.

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12:52:39 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:56:39 - Pers. Attorney: Manweiler, Mark  
objects, vague, sustained.

13:09:48 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 135, identified.

13:10:08 - State Attorney: Armstrong, Shelley  
offers State's exhibit 135, no objection, admitted.

13:10:15 - Judge: Horton, Joel D.  
allows publication, excuses court reporter from reporting the contents.

13:18:40 - State Attorney: Armstrong, Shelley  
interrupts the publication of the exhibit.

13:18:51 - State Attorney: Armstrong, Shelley  
requests to publish at a later time when a better machine is available.

13:19:14 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:22:11 - General:  
There is nothing further, the witness steps down, subject to recall.

13:22:27 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JIM MILLER, sworn by the clerk.

13:23:01 - State Attorney: Armstrong, Shelley  
begins direct examination.

13:23:09 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 502 and 503, identified.

13:24:20 - State Attorney: Armstrong, Shelley  
offers State's exhibit 502, no objection, admitted.

13:27:07 - State Attorney: Armstrong, Shelley  
offers State's exhibit 503, Mr. Manweiler questions in aid of objection.

13:27:52 - Pers. Attorney: Manweiler, Mark  
indicates no objection.

13:27:55 - Judge: Horton, Joel D.  
admits State's exhibit 503.

13:28:19 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 123, identified.

13:30:08 - State Attorney: Armstrong, Shelley  
offers State's exhibit 123, no objection.

13:31:35 - Judge: Horton, Joel D.  
admits State's exhibit 123.

13:36:57 - State Attorney: Armstrong, Shelley  
requests to recall the witness on Thursday and continue listening to the

13:37:19 - State Attorney: Armstrong, Shelley  
prior State's exhibit.

13:37:33 - Pers. Attorney: Manweiler, Mark  
reserves any cross-examination.

13:37:45 - Judge: Horton, Joel D.  
allows publication of State's exhibit 135.

13:41:27 - General:  
The publication is stopped.

13:41:33 - Judge: Horton, Joel D.  
indicates the recording is inaudible.

13:41:44 - Judge: Horton, Joel D.  
directs to terminate at this time, can try again at a later

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point.  
 13:41:55 - State Attorney: Armstrong, Shelley  
 recalls DETECTIVE JOE MILLER, reminded of  
 previous oath.  
 13:42:23 - State Attorney: Armstrong, Shelley  
 begins direct examination.  
 13:44:09 - State Attorney: Armstrong, Shelley  
 has the witness view State's exhibit 139, identified.  
 13:44:52 - State Attorney: Armstrong, Shelley  
 offers State's exhibit 139, Mr. Manweiler  
 to object if it  
 13:45:17 - State Attorney: Armstrong, Shelley  
 is not that interview.  
 13:45:22 - Judge: Horton, Joel D.  
 subject to a motion to strike, admits State's 139.  
 13:45:32 - State Attorney: Armstrong, Shelley  
 requests to begin publication.  
 13:45:45 - Judge: Horton, Joel D.  
 excuses the court reporter from reporting the contents.  
 14:00:35 - General:  
 The publication is stopped.  
 14:00:39 - Judge: Horton, Joel D.  
 will resume publication on Thursday.  
 14:00:45 - Judge: Horton, Joel D.  
 admonishes the jury.  
 14:00:58 - General:  
 The jury leaves the courtroom.  
 14:01:35 - Operator  
 Stop recording:

000287

Session: Horton080207  
Session Date: 2007/08/02  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 07:46

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Additional audio and annotations can be found in case: 0002.  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/02

08:56:26 - Operator  
Recording:  
08:56:26 - New case  
THORNGREN, DONNA  
08:56:46 - General:  
The defendant is present, on bond.  
08:56:51 - General:  
The jury is present.  
08:57:19 - General:  
Counsel stipulate the jury is seated as sworn.  
08:57:30 - Judge: Horton, Joel D.  
advises the jury that the trial will not be held on 8/28/07.  
08:58:04 - State Attorney: Armstrong, Shelley  
requests to take a break from publishing the video and call  
a witness.  
08:58:15 - Pers. Attorney: Manweiler, Mark  
indicates no objection.  
08:58:21 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JIM MILLER, sworn by the clerk.  
08:58:49 - State Attorney: Armstrong, Shelley  
begins direct examination.  
09:04:57 - Judge: Horton, Joel D.  
asks that in the future, counsel review in advance.

000288

09:07:56 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 138, identified.

09:09:36 - State Attorney: Armstrong, Shelley  
offers State's exhibit 138, objection, foundation.

09:09:52 - Judge: Horton, Joel D.  
directs to lay further foundation.

09:10:14 - Pers. Attorney: Manweiler, Mark  
voire dres in aid of objection.

09:10:40 - Pers. Attorney: Manweiler, Mark  
no objection.

09:10:42 - Judge: Horton, Joel D.  
admits State's 138.

09:10:47 - State Attorney: Armstrong, Shelley  
publishes State's exhibits 138, audio #1.

09:15:04 - General:  
Publication of #1 of State's exhibit 38 is complete.

09:15:15 - General:  
Tape #2 of State's exhibit 38 is published to the jury.

09:16:01 - State Attorney: Armstrong, Shelley

09:16:03 - General:  
Publication of #2 of State's exhibit 38 is complete.

09:16:21 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

09:18:50 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds.

09:19:13 - State Attorney: Armstrong, Shelley  
replies.

09:19:49 - Judge: Horton, Joel D.  
sustains the hearsay objection, will consistently apply to b  
oth parties.

09:20:45 - General:  
There is nothing further, the witness steps down.

09:20:57 - State Attorney: Armstrong, Shelley  
will resume publication of State's exhibit 139.

09:21:07 - General:  
DETECTIVE JOE MILLER retakes the stand, sworn by the clerk.

09:21:42 - General:  
Publication of State's exhibit 139 **is** resumed.

10:40:38 - General:  
Publication of State's exhibit 139 **is** complete.

10:40:45 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:40:58 - General:  
The jury leaves the courtroom.

10:41:35 - General:  
The jury is not present.

10:41:43 - Pers. Attorney: Manweiler, Mark  
indicates the State was supposed to redact the never go to t  
he dinner table

10:42:04 - Pers. Attorney: Manweiler, Mark  
statement and it was not redacted.

10:42:09 - Pers. Attorney: Manweiler, Mark  
is concerned that the tape was rewound this morning and we r  
e-watched the

10:42:26 - Pers. Attorney: Manweiler, Mark  
first 10 minutes.

10:43:20 - Judge: Horton, Joel D.  
noticed the tape did not start where it left off.

000289

10:43:41 - Judge: Horton, Joel D.  
has directed to clerk not to allow the parties access to exhibits in the  
10:43:53 - Judge: Horton, Joel D.  
future.  
10:43:55 - State Attorney: Armstrong, Shelley  
responds regarding the area that was not redacted from the tape.  
10:44:29 - State Attorney: Armstrong, Shelley  
agrees that the was the Court's order, but it was not intentional.  
10:44:44 - State Attorney: Armstrong, Shelley  
indicates the statement should have been redacted and the jury should be  
10:44:59 - State Attorney: Armstrong, Shelley  
instructed.  
10:45:01 - State Attorney: Armstrong, Shelley  
responds regarding the tape being rewound, did not intent to re-emphasize  
10:45:32 - State Attorney: Armstrong, Shelley  
anything.  
10:45:33 - State Attorney: Armstrong, Shelley  
indicates counsel could have objected.  
10:45:42 - Judge: Horton, Joel D.  
is taking steps to make sure it will not happen again, discusses restraints  
10:45:57 - Judge: Horton, Joel D.  
on access.  
10:46:09 - Judge: Horton, Joel D.  
has not problem instructing the jury re: redaction, but notes the Court  
10:46:20 - Judge: Horton, Joel D.  
re-emphasizes the evidence for the jury, will do what counsel wants.  
10:46:44 - Pers. Attorney: Manweiler, Mark  
requests the Court instruct the jury to disregard the statement.  
10:47:00 - Pers. Attorney: Manweiler, Mark  
notes the video can be re-played in the jury room, will need to be re-dacted.  
10:47:31 - Judge: Horton, Joel D.  
directs the parties to provide the precise statement.  
10:47:40 - Judge: Horton, Joel D.  
directs the State prepare a duplicate 139 with the correct redactions and  
10:47:53 - Judge: Horton, Joel D.  
provide it to the defense.  
10:48:07 - Judge: Horton, Joel D.  
will then substitute 139 after reviewed by the defense.  
10:48:15 - State Attorney: Armstrong, Shelley  
advises the Court that the exhibit was provided to counsel prior to the  
10:48:34 - State Attorney: Armstrong, Shelley  
trial.  
10:48:37 - Judge: Horton, Joel D.  
notes what was ordered did not take place.  
10:48:54 - Judge: Horton, Joel D.  
will instruct the jury that a new exhibit will be prepared.

000290



10:49:34 - State Attorney: Armstrong, Shelley  
questions regarding access to the exhibit.

10:49:42 - Judge: Horton, Joel D.  
questions as to the original tape.

10:49:53 - State Attorney: Armstrong, Shelley  
indicates will have to make all the redactions.

10:50:00 - Judge: Horton, Joel D.  
notes the trial is several weeks, not a matter of urgency.

10:50:21 - State Attorney: Armstrong, Shelley  
discusses State's exhibit 138 (2), is concerned about something that was

10:50:41 - State Attorney: Armstrong, Shelley  
heard at the end.

10:50:50 - State Attorney: Armstrong, Shelley  
requests an opportunity to listen to the tape.

10:50:59 - Judge: Horton, Joel D.  
will allow counsel to review during the recess.

10:51:15 - Pers. Attorney: Manweiler, Mark  
indicates no objection to hearing exhibit 135 in its entirety since it was

10:51:33 - Pers. Attorney: Manweiler, Mark  
fairly inaudible before.

10:51:37 - Judge: Horton, Joel D.  
agrees with counsel.

10:51:47 - Operator  
Stop recording: (Off Record)

11:06:54 - Operator  
Recording:

11:06:54 - Record  
THORNGREN, DONNA

11:06:59 - General:  
The jury is present.

11:07:34 - General:  
Counsel stipulate the jury is seated as sworn.

11:07:48 - Judge: Horton, Joel D.  
discusses State's exhibit 139.

11:07:54 - Judge: Horton, Joel D.  
notes skips were for previous orders of redaction.

11:08:10 - Judge: Horton, Joel D.  
notes the State failed to remove certain materials that were contained in the

11:08:21 - Judge: Horton, Joel D.  
tape.

11:08:23 - Judge: Horton, Joel D.  
discusses a statement made by Detective Leslie that is inadmissible as

11:08:41 - Judge: Horton, Joel D.  
hearsay that was not removed.

11:08:44 - Judge: Horton, Joel D.  
instructs the jury to disregard that statement and put it out of their minds.

11:08:55 - Judge: Horton, Joel D.  
indicates another version of #139 will be prepared.

11:09:11 - Judge: Horton, Joel D.  
reminds the witness that he is still under oath.

11:09:24 - Pers. Attorney: Manweiler, Mark  
requests to approach the bench.

11:09:29 - General:

000291

Counsel approach the bench.

11:10:02 - State Attorney: Armstrong, Shelley resumes direct examination.

11:10:43 - State Attorney: Armstrong, Shelley has the witness view State's exhibit 180, identified.

11:11:19 - State Attorney: Armstrong, Shelley offers State's exhibit 180, no objection, admitted.

11:12:18 - Pers. Attorney: Manweiler, Mark indicates no questions.

11:12:21 - General:  
There is nothing further, the witness steps down.

11:12:32 - State Attorney: Armstrong, Shelley calls DETECTIVE JIM MILLER, reminded of the previous oath.

11:12:50 - Judge: Horton, Joel D.

11:12:53 - State Attorney: Armstrong, Shelley begins direct examination.

11:13:12 - State Attorney: Armstrong, Shelley has the witness view State's exhibits 600 and 601, identified.

11:16:42 - State Attorney: Armstrong, Shelley offers State's exhibits 600 and 601.

11:16:48 - Pers. Attorney: Manweiler, Mark voire dire in aid of objection.

11:17:34 - Pers. Attorney: Manweiler, Mark objects, foundation, no response, sustained.

11:17:50 - Pers. Attorney: Manweiler, Mark indicates no questions.

11:17:57 - State Attorney: Armstrong, Shelley resumes direct examination.

11:18:47 - Pers. Attorney: Manweiler, Mark indicates no questions.

11:18:50 - General:  
The witness steps down.

11:18:54 - State Attorney: Armstrong, Shelley calls AMBER THORNGREN, sworn by the clerk.

11:19:19 - State Attorney: Armstrong, Shelley begins direct examination.

11:37:44 - Pers. Attorney: Manweiler, Mark objects, relevance, Ms. Armstrong responds, Mr. Manweiler replies.

11:38:32 - Pers. Attorney: Manweiler, Mark overruled.

12:17:49 - State Attorney: Armstrong, Shelley has the witness view State's exhibit 602, identified.

12:18:27 - State Attorney: Armstrong, Shelley offers State's exhibit 602, no objection, admitted.

12:20:54 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:21:47 - General:  
The jury is not present.

12:21:59 - Judge: Horton, Joel D.

12:22:12 - Pers. Attorney: Manweiler, Mark notes there are 2 other portions of exhibit 139 that should have been

12:22:53 - Pers. Attorney: Manweiler, Mark redacted.

12:23:03 - Pers. Attorney: Manweiler, Mark requests the Court make a similar disclosure to the jury that

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t those portions  
12:23:16 - Pers. Attorney: Manweiler, Mark  
not be considered and that the State will provide a copy of  
the tape with  
12:23:30 - Pers. Attorney: Manweiler, Mark  
those redactions.  
12:23:33 - State Attorney: Armstrong, Shelley  
agrees with counsel.  
12:23:38 - Judge: Horton, Joel D.  
discusses the Court's notes and agrees those statements will  
be redacted.  
12:24:02 - Pers. Attorney: Manweiler, Mark  
requests a similar instruction as previously given.  
12:24:09 - Judge: Horton, Joel D.  
will instruct the jury, directs the State to fully comply wi  
th the previous  
12:24:20 - Judge: Horton, Joel D.  
order.  
12:24:24 - Operator  
Stop recording: (Off Record)

Case ID: 0002

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Previous audio and annotations can be found in case: 0001.  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

12:41:09 - Operator  
Recording:  
12:41:09 - Recall  
THORNGREN, DONNA  
12:41:15 - General:  
The jury is present.  
12:41:38 - General:  
Counsel stipulate the jury is seated as sworn.  
12:41:54 - Judge: Horton, Joel D.  
instructs the jury regarding State's exhibit 139.  
12:43:30 - Judge: Horton, Joel D.  
reminds the witness of her previous oath.  
12:43:43 - Pers. Attorney: Manweiler, Mark  
will call as a witness, reserves examination.  
12:44:01 - State Attorney: Armstrong, Shelley  
recalls DETECTIVE JIM MILLER, reminded of previous oath.  
12:45:23 - State Attorney: Armstrong, Shelley  
begins direct examination.  
12:50:28 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 605, identified.  
12:52:52 - State Attorney: Armstrong, Shelley  
offers State's exhibit 605, no objection, admitted.

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13:18:15 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
13:31:17 - State Attorney: Armstrong, Shelley  
begins re-direct.  
13:40:07 - Pers. Attorney: Manweiler, Mark  
begins re-cross.  
13:41:20 - State Attorney: Armstrong, Shelley  
begins re-direct.  
13:41:27 - General:  
There is nothing further, the witness steps down.  
13:41:49 - State Attorney: Armstrong, Shelley  
recalls DETECTIVE JIM MILLER.  
13:42:05 - State Attorney: Armstrong, Shelley  
begins direct examination.  
13:42:23 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 177, identified.  
13:43:57 - State Attorney: Armstrong, Shelley  
offers State's exhibit 177, no objection, admitted.  
13:44:06 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 170, identified.  
13:44:44 - State Attorney: Armstrong, Shelley  
offers State's exhibit 170, no objection, admitted.  
13:44:54 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 128 and 132, identified.  
13:47:49 - State Attorney: Armstrong, Shelley  
offers State's exhibit 128, objection as to relevance, Ms. Armstrong  
13:48:03 - State Attorney: Armstrong, Shelley  
responds.  
13:48:21 - Pers. Attorney: Manweiler, Mark  
replies, not relevant.  
13:48:28 - Judge: Horton, Joel D.  
reviews State's exhibit 128.  
13:48:46 - State Attorney: Armstrong, Shelley  
further responds.  
13:48:55 - State Attorney: Armstrong, Shelley  
13:49:01 - Pers. Attorney: Manweiler, Mark  
objects, not relevant, sustained absent further foundation.  
13:49:20 - Pers. Attorney: Manweiler, Mark  
indicates no questions.  
13:49:36 - State Attorney: Armstrong, Shelley  
calls RENEE FLAHERTY, sworn by the clerk.  
13:49:53 - State Attorney: Armstrong, Shelley  
begins direct examination.  
13:52:56 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 165, identified.  
13:53:57 - State Attorney: Armstrong, Shelley  
offers State's exhibit 165, objection as to cumulative, Ms. Armstrong  
13:54:10 - State Attorney: Armstrong, Shelley  
responds.  
13:54:26 - Pers. Attorney: Manweiler, Mark  
responds.  
13:54:29 - Judge: Horton, Joel D.  
sustains the objection, refuses the objection.  
14:00:40 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.

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\* 14:01:03 - General:  
The jury leaves the courtroom.  
14:01:37 - Operator  
Stop recording:

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000295

Session: Horton080307  
Session Date: 2007/08/03  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:20

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: Thorngren, Donna  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/03

08:53:10 - Operator

Recording:

08:53:10 - New case

Thorngren, Donna

08:53:26 - General:

The defendant is present, on bond.

08:53:37 - General:

Juror #8 is present in the courtroom. (The public has been cleared).

08:53:47 - General:

Juror #8 is sworn by the clerk with the voire dire oath.

08:54:11 - Judge: Horton, Joel D.

questions the juror about the issue he would like to bring up to the Court.

08:54:27 - General:

Juror #8 indicates that he knows witness Renee Flaherty, is more familiar

08:54:49 - General:

with the witnesses daughter

08:54:54 - General:

Juror #8 does not believe it will be an issue.

08:55:33 - Judge: Horton, Joel D.

questions Juror #8 as to how he knows the witness.

08:55:45 - General:

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Juror #8 responds regarding knowing the daughter in school.  
08:55:59 - Judge: Horton, Joel D.  
questions juror #8 regarding viewing the witnesses testimony  
08:56:11 - General:  
Juror #8 does not believe it will affect him.  
08:56:29 - Judge: Horton, Joel D.  
questions Juror #8 regarding viewing testimony the same as a  
ny other  
08:56:43 - Judge: Horton, Joel D.  
witnesses.  
08:56:44 - General:  
Juror #8 believes he can view the testimony the same and can  
be impartial.  
08:56:59 - State Attorney: Armstrong, Shelley  
indicates no questions.  
08:57:02 - Pers. Attorney: Manweiler, Mark  
questions Juror #8.  
08:58:25 - Judge: Horton, Joel D.  
excuses Juror #8 from the courtroom.  
08:58:55 - General:  
The juror leaves the courtroom.  
08:59:02 - General:  
The juror is not present.  
08:59:08 - State Attorney: Armstrong, Shelley  
requests continued service.  
08:59:14 - Pers. Attorney: Manweiler, Mark  
requests continued service.  
08:59:19 - Judge: Horton, Joel D.  
does not see any reason for concern, will not excuse from th  
e panel.  
08:59:47 - General:  
Counsel request air conditioning.  
09:01:43 - General:  
The jury is present.  
09:02:20 - General:  
Counsel stipulate the jury is seated as sworn.  
09:02:33 - General:  
Witness RENEE FLAHERTY retakes the stand, sworn by the clerk  
09:02:54 - State Attorney: Armstrong, Shelley  
resumes direct examination.  
09:05:06 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
09:06:45 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds, overruled.  
09:07:58 - State Attorney: Armstrong, Shelley  
begins re-direct.  
09:08:37 - General:  
There is nothing further, the witness is excused.  
09:08:53 - Other: Medema, Jonathan  
calls JEANNIE GRANGER, sworn by the clerk.  
09:09:30 - Other: Medema, Jonathan  
begins direct examination.  
09:25:41 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
09:31:10 - Other: Medema, Jonathan  
begins re-direct.

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09:31:38 - Pers. Attorney: Manweiler, Mark  
requests the witness view defense exhibit D.

09:31:59 - Other: Medema, Jonathan  
objects to the exhibit, prior sworn testimony is not proper.

09:32:27 - Pers. Attorney: Manweiler, Mark  
indicates offered as substantive evidence.

09:32:42 - Judge: Horton, Joel D.  
reviews defense exhibit D.

09:33:23 - Judge: Horton, Joel D.  
indicates the entirety of the witnesses testimony before the  
grand jury is

09:33:36 - Judge: Horton, Joel D.  
not admissible, indicates can redact or have read into the r  
ecord.

09:33:50 - Pers. Attorney: Manweiler, Mark  
is offering also for other testimony.

09:34:23 - Judge: Horton, Joel D.  
refuses the exhibit.

09:34:56 - Other: Medema, Jonathan  
has State's exhibit 304 marked and shown to the witness, ide  
ntified.

09:36:37 - State Attorney: Armstrong, Shelley

09:36:39 - Other: Medema, Jonathan  
offers State's exhibit 304, no objection, admitted.

09:36:54 - General:  
There is nothing further the witness is excused.

09:37:03 - Other: Medema, Jonathan  
calls MARY ELLEN SCHANNACH, sworn by the clerk.

09:38:06 - Other: Medema, Jonathan  
begins direct examination.

09:48:20 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

09:51:19 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibit E, identified.

09:53:09 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit E, no objection, admitted for illustr  
ative purposes.

09:56:26 - General:  
There is nothing further, the witness is excused.

09:56:41 - Other: Medema, Jonathan  
calls ROBERT SCHANNACH, sworn by the clerk.

09:57:25 - Other: Medema, Jonathan  
begins direct examination.

10:06:23 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

10:12:21 - Other: Medema, Jonathan  
begins re-direct.

10:13:23 - General:  
There is nothing further, the witness is excused.

10:13:38 - State Attorney: Armstrong, Shelley  
calls EILEEN MARTINEZ-BREEDING, sworn by the clerk.

10:14:37 - State Attorney: Armstrong, Shelley  
begins direct examination.

10:21:45 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:22:03 - Operator  
Stop recording: (Off Record)

10:44:17 - Operator

000298



## Recording:

10:44:17 - Record  
Thorngren, Donna  
10:44:27 - General:  
The jury is present.  
10:45:07 - General:  
Counsel stipulate the jury is seated as sworn.  
10:45:12 - Judge: Horton, Joel D.  
reminds the witness that she is still under oath.  
10:45:20 - State Attorney: Armstrong, Shelley  
resumes direct examination.  
10:50:05 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 148, identified.  
10:50:28 - State Attorney: Armstrong, Shelley  
offers State's exhibit 148, no objection, admitted.  
10:59:38 - State Attorney: Armstrong, Shelley  
has State's exhibit 307 marked and shown to the witness, identified.  
11:01:18 - State Attorney: Armstrong, Shelley  
offers State's exhibit 307, no objection, admitted.  
11:03:42 - Pers. Attorney: Manweiler, Mark  
objects, vagueness, Ms. Armstrong responds, the Court directs the witness.  
11:09:11 - Pers. Attorney: Manweiler, Mark  
will be calling as a witness, reserves examination.  
11:09:21 - State Attorney: Armstrong, Shelley  
calls PAULA WOODWARD, sworn by the clerk.  
11:10:27 - State Attorney: Armstrong, Shelley  
begins direct examination.  
11:11:11 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 179, identified.  
11:11:33 - State Attorney: Armstrong, Shelley  
offers State's exhibit 179, no objection, admitted.  
11:14:16 - Pers. Attorney: Manweiler, Mark  
objects, foundation, overruled.  
11:18:05 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 168, identified.  
11:18:53 - State Attorney: Armstrong, Shelley  
offers State's exhibit 168, Mr. Manweiler objects as to relevance.  
11:19:06 - State Attorney: Armstrong, Shelley  
responds, Mr. Manweiler replies.  
11:20:02 - Judge: Horton, Joel D.  
overrules the objection.  
11:31:44 - State Attorney: Armstrong, Shelley  
has the witness draw a diagram.  
11:33:21 - State Attorney: Armstrong, Shelley  
has the diagram marked as State's exhibit 308.  
11:33:50 - State Attorney: Armstrong, Shelley  
offers State's exhibit 308, no objection if for illustrative purposes.  
11:34:02 - State Attorney: Armstrong, Shelley  
offering for substantive purposes, Mr. Manweiler objection, sustained.  
11:34:14 - State Attorney: Armstrong, Shelley  
offers for illustrative purposes, no objection, admitted.  
11:36:57 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 309, identified.

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11:37:42 - State Attorney: Armstrong, Shelley  
offers State's exhibit 309, no objection, admitted.

11:48:56 - State Attorney: Armstrong, Shelley  
has State's exhibit 310 marked and shown to the witness, identified.

11:54:54 - State Attorney: Armstrong, Shelley

11:58:55 - State Attorney: Armstrong, Shelley  
has State's exhibit 311 marked and shown to the witness, identified.

12:00:21 - Pers. Attorney: Manweiler, Mark  
questions in aid of objection.

12:00:32 - Pers. Attorney: Manweiler, Mark  
indicates no objection, admitted.

12:08:35 - State Attorney: Armstrong, Shelley

12:10:37 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 160, identified.

12:12:47 - State Attorney: Armstrong, Shelley  
offers State's exhibit 160.

12:12:53 - Pers. Attorney: Manweiler, Mark  
objects to the portion of the email regarding Paula to Donna

12:13:09 - State Attorney: Armstrong, Shelley  
will redact and use only Donna's statement.

12:13:18 - Judge: Horton, Joel D.  
sustains the objection.

12:13:26 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:14:21 - Other: Medema, Jonathan  
requests to make the redaction.

12:14:29 - Judge: Horton, Joel D.  
allows the redaction.

12:14:35 - Operator  
Stop recording: (Off Record)

12:33:53 - Operator  
Recording:

12:33:53 - Record  
Thorngren, Donna

12:34:00 - General:  
The jury is present.

12:34:34 - General:  
Counsel stipulate the jury is seated as sworn.

12:34:43 - Judge: Horton, Joel D.  
reminds the witness of her previous oath.

12:34:49 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 160A, identified.

12:35:12 - State Attorney: Armstrong, Shelley  
offers State's exhibit 160A, no objection, admitted.

12:36:06 - Pers. Attorney: Manweiler, Mark  
objects, hearsay, Ms. Armstrong responds.

12:36:27 - Pers. Attorney: Manweiler, Mark  
replies.

12:36:34 - Judge: Horton, Joel D.  
overrules the objection.

12:37:29 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 312, identified.

12:38:47 - State Attorney: Armstrong, Shelley  
offers State's exhibit 312, no objection, admitted.

12:47:29 - Pers. Attorney: Manweiler, Mark

000300

objects, mis-states the previous testimony, overruled.  
13:02:26 - Pers. Attorney: Manweiler, Mark  
reserves examination for defense case.  
13:02:46 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JIM MILLER, sworn by the clerk.  
13:03:35 - State Attorney: Armstrong, Shelley  
begins direct examination.  
13:03:57 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 302.  
13:07:15 - State Attorney: Armstrong, Shelley  
offers State's exhibit 302, objection as to relevance.  
13:07:28 - State Attorney: Armstrong, Shelley  
responds, will lay additional foundation.  
13:07:35 - Judge: Horton, Joel D.  
refused.  
13:09:30 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 133 and 131, identified.  
13:13:55 - State Attorney: Armstrong, Shelley  
offers State's exhibits 131 and 133, Mr. Manweiler questions  
in aid of  
13:14:08 - State Attorney: Armstrong, Shelley  
objection.  
13:14:49 - State Attorney: Armstrong, Shelley  
marks the priority mail envelope be marked 131a.  
13:15:09 - Pers. Attorney: Manweiler, Mark  
indicates no objection.  
13:15:13 - Judge: Horton, Joel D.  
admits 131, 131a and 133.  
13:18:43 - State Attorney: Armstrong, Shelley  
offers State's exhibit 302, Mr. Manweiler questions in aid of  
objection.  
13:19:13 - Pers. Attorney: Manweiler, Mark  
objects, does not show the check matches with the deposit.  
13:19:25 - State Attorney: Armstrong, Shelley  
will lay more foundation with another witness.  
13:19:32 - Judge: Horton, Joel D.  
refuses the offer.  
13:19:36 - Pers. Attorney: Manweiler, Mark  
indicates no questions.  
13:19:44 - State Attorney: Armstrong, Shelley  
calls ALICE VETTER, sworn by the clerk.  
13:20:28 - State Attorney: Armstrong, Shelley  
begins direct examination.  
13:24:02 - Pers. Attorney: Manweiler, Mark  
objects, vague, sustained.  
13:25:38 - Other: Medema, Jonathan  
requests counsel approach the bench.  
13:25:56 - General:  
Counsel approach.  
13:26:01 - State Attorney: Armstrong, Shelley  
resumes direct examination.  
13:29:46 - State Attorney: Armstrong, Shelley  
has the witness view her grand jury testimony.  
13:36:27 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 97a, 97b, 97c, 97d, 97  
e, identified.  
13:38:42 - State Attorney: Armstrong, Shelley

000301

offers State's exhibits 97a thru 97e, no objection, admitted

13:44:43 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 98, 99, 100, 101, 102, 104  
& 105, identified

13:51:37 - State Attorney: Armstrong, Shelley  
offers State's exhibits 98, 99, 100, 101, 102, 104 and 105,  
no objection.

13:52:00 - Judge: Horton, Joel D.  
questions counsel.

13:52:14 - Judge: Horton, Joel D.  
admits State's exhibits 98, 99, 100, 101, 102, 104 and 105.

13:56:08 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 173, identified.

13:59:24 - Judge: Horton, Joel D.  
admonishes the jury for the weekend recess.

13:59:43 - General:  
The jury leaves the courtroom.

14:00:24 - Operator  
Stop recording:

000302

Session: Horton080607

Division: DC

Courtroom: CR501

Session Date: 2007/08/06

Session Time: 07:43

Judge: Horton, Joel D.

Reporter: Starr, Vanessa

*/Debbie Kreidler  
(at 10:30 to 2:00)*

Clerk(s):

Gagnepain, Melanie

State Attorneys:

Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792

Plaintiff:

Plaintiff Attorney:

Defendant: Thorngren, Donna

Co-Defendant(s):

Pers. Attorney: Manweiler, Mark

State Attorney: Armstrong, Shelley

Public Defender:

2007/08/06

08:57:23 - Operator

Recording:

08:57:23 - New case

Thorngren, Donna

08:57:38 - General:

The defendant is present, on bond.

08:57:46 - General:

The jury is present.

08:58:09 - General:

Counsel stipulate the jury is seated as sworn.

08:58:53 - State Attorney: Armstrong, Shelley

08:58:59 - General:

Witness ALICE VETTER retakes the stand, sworn by the clerk.

08:59:09 - State Attorney: Armstrong, Shelley

resumes direct examination.

09:01:35 - State Attorney: Armstrong, Shelley

has the witness view State's exhibit 313, identified.

09:06:43 - State Attorney: Armstrong, Shelley

has the witness view State's exhibit 143, identified.

09:07:22 - State Attorney: Armstrong, Shelley

offers State's exhibit 143, no objection, admitted.

09:10:05 - State Attorney: Armstrong, Shelley

has the witness view State's exhibit 305, identified.

09:11:18 - State Attorney: Armstrong, Shelley

000303

offers State's exhibit 305, no objection, admitted.  
09:16:07 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 176, identified.  
09:17:53 - State Attorney: Armstrong, Shelley  
offers State's exhibit 176, no objection, admitted.  
09:25:17 - Pers. Attorney: Manweiler, Mark  
objects, vague, sustained.  
09:26:32 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 111, 112, 113, 114, 115 and 116,  
09:26:51 - State Attorney: Armstrong, Shelley  
identified.  
09:30:13 - Pers. Attorney: Manweiler, Mark  
objects, vague, sustained.  
09:31:12 - State Attorney: Armstrong, Shelley  
offers State's exhibits 111, 112, 113, and 114.  
09:31:22 - Pers. Attorney: Manweiler, Mark  
objects to State's exhibits 113 and 114.  
09:31:40 - Judge: Horton, Joel D.  
sustains the objection.  
09:31:50 - Judge: Horton, Joel D.  
admits State's exhibits 111 and 112.  
09:32:14 - State Attorney: Armstrong, Shelley  
again offers State's exhibits 113 and 114, no objection admitted.  
09:32:52 - Pers. Attorney: Manweiler, Mark  
objects, relevance, overruled  
09:36:26 - Pers. Attorney: Manweiler, Mark  
objects, foundation and speculation.  
09:36:35 - Judge: Horton, Joel D.  
expects any answer to be based on personal knowledge, overruled.  
09:44:59 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 314, identified.  
09:54:58 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 174, identified.  
09:57:04 - State Attorney: Armstrong, Shelley  
offers State's exhibit 174, Mr. Manweiler questions in aid of objection.  
09:58:04 - Pers. Attorney: Manweiler, Mark  
no objection.  
09:58:06 - Judge: Horton, Joel D.  
admits State's exhibit 174.  
09:59:24 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 316, identified.  
10:01:27 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 303, identified.  
10:03:36 - Pers. Attorney: Manweiler, Mark  
objects, vague, overruled.  
10:05:28 - State Attorney: Armstrong, Shelley  
offers State's exhibit 303, no objection but confusing, admitted.  
10:07:33 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 301, identified.  
10:09:48 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 315, identified.  
10:18:34 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 128 and 302, identified.

000304

d.  
10:23:18 - Pers. Attorney: Manweiler, Mark  
reserves cross-examination.  
10:23:35 - Judge: Horton, Joel D.  
admonishes the jury for a recess.  
10:24:16 - Judge: Horton, Joel D.  
directs the witness that she is subject to recall.  
10:24:29 - Operator  
Stop recording: (Off Record)  
10:39:11 - Operator  
Recording:  
10:39:11 - Record  
Thorngren, Donna  
10:39:51 - General:  
Counsel stipulate that the jury is seated as sworn.  
10:39:58 - State Attorney: Armstrong, Shelley  
calls KAREN BROWN, sworn by the clerk.  
10:40:50 - State Attorney: Armstrong, Shelley  
begins direct examination.  
10:46:32 - Pers. Attorney: Manweiler, Mark  
objects, foundation, sustained.  
10:47:50 - Pers. Attorney: Manweiler, Mark  
objects, moves to strike, non-responsive, the Court sustains  
the objection,  
10:48:04 - Pers. Attorney: Manweiler, Mark  
directs the jury.  
10:49:19 - Pers. Attorney: Manweiler, Mark  
objects, foundation, sustained.  
10:50:43 - Pers. Attorney: Manweiler, Mark  
objects, moves to strike, non-responsive, sustains the objec  
tion, directs the  
10:50:55 - Pers. Attorney: Manweiler, Mark  
jury.  
10:51:08 - Pers. Attorney: Manweiler, Mark  
objects, foundation, the Court directs to lay further founda  
tion.  
10:55:53 - Pers. Attorney: Manweiler, Mark  
objects, foundation, overruled.  
10:59:50 - Pers. Attorney: Manweiler, Mark  
objects, non-responsive, moves to strike, sustains the objec  
tion, directs the  
11:00:01 - Pers. Attorney: Manweiler, Mark  
jury.  
11:01:23 - Pers. Attorney: Manweiler, Mark  
objects, non-responsive, moves to strike, sustained.  
11:14:18 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
11:27:16 - State Attorney: Armstrong, Shelley  
begins re-direct.  
11:27:46 - General:  
There is nothing further, the witness is excused.  
11:27:54 - State Attorney: Armstrong, Shelley  
calls DONNA SHIPLEY, sworn by the clerk.  
11:28:53 - State Attorney: Armstrong, Shelley  
begins direct examination.  
11:30:03 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 162, identified.  
11:34:14 - State Attorney: Armstrong, Shelley

000305

offers State's exhibit 162, no objection, admitted.  
11:37:24 - Pers. Attorney: Manweiler, Mark  
indicates no questions.  
11:37:28 - General:  
There is nothing further, the witness is excused.  
11:37:38 - State Attorney: Armstrong, Shelley  
calls KATRINA WOODS, sworn by the clerk.  
11:47:56 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
11:51:04 - General:  
There is nothing further, the witness is excused.  
11:51:16 - State Attorney: Armstrong, Shelley  
calls MEGHAN MCLELLAN, sworn by the clerk.  
11:51:41 - State Attorney: Armstrong, Shelley  
begins direct examination.  
11:55:49 - General:  
Counsel approach the bench at Mr. Manweiler's request.  
11:56:26 - Judge: Horton, Joel D.  
admonishes the jury for a short recess.  
11:57:17 - General:  
The jury is not present.  
11:57:25 - Judge: Horton, Joel D.  
notes the jury was excused is that the bailiff has indicated  
this witness was  
11:57:35 - Judge: Horton, Joel D.  
present in the courtroom before being called as a witness.  
11:57:44 - Pers. Attorney: Manweiler, Mark  
questions the witness regarding being in the courtroom.  
11:58:13 - Other:  
11:58:14 - General:  
The witness indicates she was in the courtroom for approxima  
tely 45 minutes.  
11:58:49 - State Attorney: Armstrong, Shelley  
questions the witness.  
12:00:11 - State Attorney: Armstrong, Shelley  
indicates a written admonishment was given to the witness.  
12:00:22 - Pers. Attorney: Manweiler, Mark  
indicates no further questions.  
12:00:27 - Pers. Attorney: Manweiler, Mark  
moves to strike the testimony of this witness and that the S  
tate not be  
12:00:53 - Pers. Attorney: Manweiler, Mark  
allowed to examine the witness any further.  
12:01:03 - State Attorney: Armstrong, Shelley  
responds, requests the Court not strike the testimony of the  
witness.  
12:02:33 - State Attorney: Armstrong, Shelley  
notes it was an accident that the witness was in the courtro  
om.  
12:02:59 - Pers. Attorney: Manweiler, Mark  
replies.  
12:03:04 - Judge: Horton, Joel D.  
orders the exclusion of the witness.  
12:03:10 - Judge: Horton, Joel D.  
notes the parties are responsible for keeping witnesses out  
of the courtroom.  
12:03:25 - State Attorney: Armstrong, Shelley  
requests a moment.

000306



12:03:33 - Judge: Horton, Joel D.  
notes victim witness coordinators are in the courtroom.

12:03:49 - Judge: Horton, Joel D.  
notes both parties are on notice that witnesses that violate  
the Court's

12:04:04 - Judge: Horton, Joel D.  
order are subject to exclusion.

12:04:10 - Judge: Horton, Joel D.  
indicates the Court advised this to the parties before trial

12:05:06 - General:  
The jury is present.

12:05:42 - General:  
Counsel stipulate the jury is seated as sworn.

12:05:49 - Judge: Horton, Joel D.  
notes to the jury why the last witnesses testimony will be s  
tricken.

12:06:41 - Judge: Horton, Joel D.  
instructs the jury to disregard the testimony of Meghan Mcle  
llan.

12:06:54 - State Attorney: Armstrong, Shelley  
calls ROBYN CASSIDY.

12:07:28 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:07:48 - Operator  
Stop recording: (Off Record)

12:24:55 - Operator  
Recording:

12:24:55 - Record  
Thorngren, Donna

12:25:43 - General:  
Counsel stipulate the jury is seated as sworn.

12:25:50 - State Attorney: Armstrong, Shelley  
calls ROBYN CASSIDY, sworn by the clerk.

12:26:43 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:44:00 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

12:46:14 - State Attorney: Armstrong, Shelley  
objects, argumentative, overruled.

12:50:36 - General:  
There is nothing further, the witness is excused.

12:50:43 - State Attorney: Armstrong, Shelley  
calls CINDY HOBECK, sworn by the clerk.

12:51:53 - State Attorney: Armstrong, Shelley  
begins direct examination.

13:06:59 - Pers. Attorney: Manweiler, Mark  
objects, speculation, overruled as it calls for a yes or no  
answer.

13:07:49 - Pers. Attorney: Manweiler, Mark  
indicates no questions.

13:07:57 - General:  
There is nothing further, the witness is excused.

13:08:05 - State Attorney: Armstrong, Shelley  
calls DARLENA TAYLOR, sworn by the clerk.

13:08:42 - State Attorney: Armstrong, Shelley  
begins direct examination.

13:20:00 - Pers. Attorney: Manweiler, Mark

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begins cross-examination.

13:21:49 - State Attorney: Armstrong, Shelley  
objects, hearsay, sustained as to the form of the question.

13:22:51 - State Attorney: Armstrong, Shelley  
objects, hearsay, overruled.

13:23:41 - State Attorney: Armstrong, Shelley  
begins re-direct.

13:24:09 - General:  
There is nothing further, the witness is excused.

13:24:17 - State Attorney: Armstrong, Shelley  
requests to attempt to play an audible version of the car in  
interview, State's

13:24:37 - State Attorney: Armstrong, Shelley  
135.

13:24:48 - State Attorney: Armstrong, Shelley  
has a redacted version that is audible.

13:24:55 - Pers. Attorney: Manweiler, Mark  
indicates the redactions are the same, just more audible.

13:25:06 - Pers. Attorney: Manweiler, Mark  
no objection.

13:25:21 - Judge: Horton, Joel D.  
directs the court reporter is excused from transcribing the  
contents.

13:26:05 - State Attorney: Armstrong, Shelley  
offers to substitute for the 135 in evidence, no objection.

13:26:17 - Judge: Horton, Joel D.  
will substitute for the previous 135 in evidence.

13:26:42 - General:  
The audio is prepared to be published.

13:31:09 - General:  
Publication of State's exhibit 135 begins (substituted copy)

13:59:13 - General:  
Publication of State's exhibit 135 is stopped.

13:59:24 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.

14:00:16 - General:  
The jury is not present.

14:00:23 - State Attorney: Armstrong, Shelley  
discusses the earlier tape from a few days ago that was not  
redacted

14:00:56 - State Attorney: Armstrong, Shelley  
properly.

14:00:56 - Judge: Horton, Joel D.

14:00:59 - State Attorney: Armstrong, Shelley  
questions regarding copying the Court's transcript re: 139.

14:01:15 - Judge: Horton, Joel D.  
indicates the Court's notes are hard to read on the transcri  
pt.

14:01:30 - Pers. Attorney: Manweiler, Mark  
responds regarding the transcript brought in by the State.

14:02:02 - Pers. Attorney: Manweiler, Mark  
indicates no objection.

14:02:26 - Operator  
Stop recording:

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•Session: Horton080707  
Session Date: 2007/08/07  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:29

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/07

08:59:31 - Operator  
Recording:  
08:59:31 - New case  
THORNGREN, DONNA  
08:59:54 - General:  
The defendant is present, on bond.  
09:00:03 - General:  
The jury is present.  
09:00:25 - General:  
Counsel stipulate the jury is seated as sworn.  
09:00:35 - General:  
Publication of State's exhibit 135 resumes.  
09:10:33 - General:  
Publication of State's exhibit 135 is complete.  
09:10:47 - State Attorney: Armstrong, Shelley  
calls KYLE HOBECK, sworn by the clerk.  
09:11:28 - State Attorney: Armstrong, Shelley  
begins direct examination.  
09:28:15 - Pers. Attorney: Manweiler, Mark  
reserves examination for defense case.  
09:28:22 - General:  
There is nothing further, the witness steps down.  
09:28:32 - State Attorney: Armstrong, Shelley  
calls CHRIS PALMER, sworn by the clerk.

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09:28:57 - State Attorney: Armstrong, Shelley  
begins direct examination.

09:51:41 - Pers. Attorney: Manweiler, Mark  
indicates he has not seen the entirety of the probation officer's file.

09:51:57 - State Attorney: Armstrong, Shelley  
will only ask questions as to what was provided.

09:52:05 - Judge: Horton, Joel D.  
notes the Court rules regarding the file.

10:03:08 - Pers. Attorney: Manweiler, Mark  
requests the witness not read from the report since it is not in evidence.

10:03:22 - Judge: Horton, Joel D.  
sustains the objection.

10:28:50 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:29:41 - Operator  
Stop recording: (Off Record)

10:43:58 - Operator  
Recording:

10:43:58 - Record  
THORNGREN, DONNA

10:44:16 - General:  
The jury is present.

10:45:00 - General:  
Counsel stipulate the jury is seated as sworn.

10:45:08 - Judge: Horton, Joel D.  
reminds the witness of his previous oath.

10:54:48 - Pers. Attorney: Manweiler, Mark  
objects, moves to strike, assumes facts not in evidence, Ms. Armstrong

10:55:01 - Pers. Attorney: Manweiler, Mark  
responds.

10:55:10 - Judge: Horton, Joel D.  
based upon the representation that it will be tied up with another witness

10:55:25 - Judge: Horton, Joel D.  
the objection is overruled.

10:56:39 - Pers. Attorney: Manweiler, Mark  
begins cross examination.

11:10:20 - State Attorney: Armstrong, Shelley  
begins re-direct.

11:13:16 - General:  
There is nothing further, the witness is excused.

11:13:28 - State Attorney: Armstrong, Shelley  
calls SCOTT BARKER, sworn by the clerk.

11:14:03 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:20:03 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:26:11 - State Attorney: Armstrong, Shelley  
begins re-direct.

11:28:19 - General:  
There is nothing further, the witness is excused.

11:28:27 - State Attorney: Armstrong, Shelley  
recalls AMBER WHITMORE, sworn by the clerk.

11:28:57 - State Attorney: Armstrong, Shelley  
begins direct examination.

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11:34:14 - Pers. Attorney: Manweiler, Mark  
indicates no questions at this time.

11:34:19 - General:  
There is nothing further, the witness steps down.

11:34:25 - State Attorney: Armstrong, Shelley  
calls PHILLIP BYRNE, sworn by the clerk.

11:34:55 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:38:25 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:39:01 - General:  
There is nothing further, the witness is excused.

11:39:09 - State Attorney: Armstrong, Shelley  
calls AUSTIN BYRNE, sworn by the clerk.

11:39:37 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:46:59 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:48:32 - State Attorney: Armstrong, Shelley  
begins re-direct.

11:50:16 - State Attorney: Armstrong, Shelley  
requests the Court order the witness to review his previous  
statement.

11:50:46 - State Attorney: Armstrong, Shelley  
requests the witness not be allowed to leave.

11:50:56 - Judge: Horton, Joel D.  
questions as to the Court's authority.

11:51:04 - State Attorney: Armstrong, Shelley  
requests the Court make the witness subject to recall.

11:51:15 - Pers. Attorney: Manweiler, Mark  
indicates no cross-examination.

11:51:20 - Judge: Horton, Joel D.  
directs the witness he is subject to recall, the witness ste  
ps down.

11:52:28 - State Attorney: Armstrong, Shelley  
requests to publish the longford residence video. (exhibit 5  
00).

11:53:36 - Judge: Horton, Joel D.  
allows publication of State's exhibit 500.

11:54:07 - General:  
Publication of State's exhibit 500 begins. (Fastforwarding o  
ccurs).

12:39:51 - General:  
Publication of State's exhibit 500 is complete.

12:40:07 - Judge: Horton, Joel D.  
notes part of the video was fast forwarded.

12:40:33 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:41:27 - Operator  
Stop recording: (Off Record)

12:56:32 - Operator  
Recording:

12:56:32 - Record  
THORNGREN, DONNA

12:56:33 - General:  
The jury is present.

12:57:00 - General:  
Counsel stipulate the jury is seated as sworn.

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12:57:10 - State Attorney: Armstrong, Shelley  
recalls AUSTIN BYRNE, reminded of previous oath.  
12:57:26 - State Attorney: Armstrong, Shelley  
resumes re-direct examination.  
12:59:02 - Pers. Attorney: Manweiler, Mark  
begins re-cross.  
13:00:49 - General:  
There is nothing further, the witness steps down, subject to  
recall.  
13:01:06 - Other: Medema, Jonathan  
calls JAMES CASADY, sworn by the clerk.  
13:01:51 - Other: Medema, Jonathan  
begins direct examination.  
13:25:44 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
13:37:58 - Other: Medema, Jonathan  
objects, hearsay, sustained.  
13:38:06 - Other: Medema, Jonathan  
begins re-direct.  
13:41:01 - General:  
There is nothing further, the witness is excused.  
13:41:11 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JIM MILLER, sworn by the clerk.  
13:41:51 - State Attorney: Armstrong, Shelley  
begins direct examination.  
13:50:25 - Pers. Attorney: Manweiler, Mark  
objects, leading, sustained.  
13:54:15 - Pers. Attorney: Manweiler, Mark  
objects, speculation, sustained as an incomplete hypotheticala  
1.  
13:58:34 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.  
13:59:31 - Operator  
Stop recording:

000312

Session: Horton080907  
Session Date: 2007/08/09  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:26

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: Thorngren, Donna  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/09

08:57:58 - Operator  
Recording:  
08:57:58 - New case  
Thorngren, Donna  
08:58:17 - General:  
The defendant is present, on bond.  
08:58:23 - General:  
The jury is present.  
08:58:34 - General:  
Counsel stipulate the jury is seated as sworn.  
08:58:45 - General:  
Witness DETECTIVE JIM MILLER is resworn by the clerk.  
08:59:34 - State Attorney: Armstrong, Shelley  
resumes direct examination, has the witness view State's exhibit 132.  
09:11:02 - State Attorney: Armstrong, Shelley  
requests the witness be able to cut the heat seal on State's exhibit 207.  
09:11:14 - Pers. Attorney: Manweiler, Mark  
indicates no objection.  
09:11:17 - Judge: Horton, Joel D.  
allows the witness to alter the condition of State's exhibit 207.  
09:17:58 - Pers. Attorney: Manweiler, Mark

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objects, asked and answered, Ms. Armstrong withdraws.

09:19:04 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 221 and 221a, identified.

09:19:33 - State Attorney: Armstrong, Shelley  
offers the exhibits, Mr. Manweiler objects there is writing  
on the photos.

09:19:58 - Judge: Horton, Joel D.  
sustains the objection.

09:20:50 - State Attorney: Armstrong, Shelley  
again offers 221 and 221a for illustrative purposes.

09:20:58 - Pers. Attorney: Manweiler, Mark  
questions the witness in aid of objection.

09:21:24 - Pers. Attorney: Manweiler, Mark  
objects, relevance and witness is unsure if labels are correct.

09:21:43 - State Attorney: Armstrong, Shelley  
responds.

09:22:37 - Judge: Horton, Joel D.  
overrules the objection, admits 221 and 221a are admitted for illustrative

09:22:51 - Judge: Horton, Joel D.  
purposes.

09:38:18 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 222, identified.

09:40:33 - State Attorney: Armstrong, Shelley  
offers State's exhibit 222 for illustrative purposes.

09:40:43 - Pers. Attorney: Manweiler, Mark  
questions in aid of objection.

09:40:58 - Pers. Attorney: Manweiler, Mark  
has the witness review his report.

09:41:30 - Pers. Attorney: Manweiler, Mark  
objects, a different window and attempt to guess at how wide  
the window was

09:41:48 - Pers. Attorney: Manweiler, Mark  
open, misleading.

09:42:09 - State Attorney: Armstrong, Shelley  
will lay more foundation.

09:42:17 - Judge: Horton, Joel D.  
sustains the objection.

09:44:07 - State Attorney: Armstrong, Shelley  
offers State's exhibit 222, objection, sustained.

09:49:44 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 223, identified.

09:50:44 - State Attorney: Armstrong, Shelley  
offers State's exhibit 223, no objection, admitted.

09:53:14 - State Attorney: Armstrong, Shelley  
again offers State's exhibit 222, same objections, sustained

09:53:31 - Judge: Horton, Joel D.  
explains the Court ruling.

10:10:37 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 224, identified.

10:11:40 - State Attorney: Armstrong, Shelley  
offers State's exhibit 224, no objection.

10:11:50 - Judge: Horton, Joel D.  
reviews State's exhibit 224.

10:12:00 - Judge: Horton, Joel D.

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admits State's exhibit 224.  
10:13:09 - Judge: Horton, Joel D.  
10:13:11 - State Attorney: Armstrong, Shelley  
publishes State's exhibit 224 to the jury.  
10:18:03 - Pers. Attorney: Manweiler, Mark  
objects, yes or no question, sustained.  
10:19:03 - State Attorney: Armstrong, Shelley  
requests to break 10 minutes early.  
10:19:10 - Judge: Horton, Joel D.  
admonishes the jury for a recess.  
10:19:21 - Operator  
Stop recording: (Off Record)  
10:35:21 - Operator  
Recording:  
10:35:21 - Record  
Thorngren, Donna  
10:35:31 - General:  
The jury is present.  
10:36:05 - General:  
Counsel stipulate the jury is seated as sworn.  
10:36:13 - Judge: Horton, Joel D.  
reminds the witness of his previous oath.  
10:36:17 - State Attorney: Armstrong, Shelley  
resumes direct examination.  
10:36:54 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 225, identified.  
10:38:21 - State Attorney: Armstrong, Shelley  
offers State's exhibit 225 for illustrative purposes, no objection, admitted  
10:38:36 - State Attorney: Armstrong, Shelley  
for illustrative purposes.  
10:40:09 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
11:02:58 - State Attorney: Armstrong, Shelley  
begins re-direct.  
11:08:25 - Pers. Attorney: Manweiler, Mark  
objects, sustained.  
11:12:18 - Pers. Attorney: Manweiler, Mark  
objects, incorrect suggestion, sustained.  
11:13:32 - Pers. Attorney: Manweiler, Mark  
begins re-cross.  
11:14:36 - General:  
There is nothing further, the witness steps down.  
11:14:43 - State Attorney: Armstrong, Shelley  
calls KATHY WEBSTER, sworn by the clerk.  
11:15:32 - State Attorney: Armstrong, Shelley  
begins direct examination.  
11:22:44 - Pers. Attorney: Manweiler, Mark  
no questions at this time.  
11:22:50 - General:  
The witness steps down.  
11:22:55 - State Attorney: Armstrong, Shelley  
calls RYAN WEBSTER, sworn by the clerk.  
11:23:18 - State Attorney: Armstrong, Shelley  
begins direct examination.  
11:28:51 - State Attorney: Armstrong, Shelley  
11:28:54 - Pers. Attorney: Manweiler, Mark  
indicates no questions.

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11:28:57 - General:  
The witness steps down, subject to recall.

11:29:14 - Other: Medema, Jonathan  
calls TERESA MCCOY, sworn by the clerk.

11:29:55 - Other: Medema, Jonathan  
begins direct examination.

11:40:10 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:43:58 - Other: Medema, Jonathan  
begins re-direct.

11:44:20 - General:  
There is nothing further, the witness is excused.

11:44:31 - State Attorney: Armstrong, Shelley

11:45:31 - Other: Medema, Jonathan  
calls BRIDGIT KINNEY, sworn by the clerk.

11:46:00 - Other: Medema, Jonathan  
begins direct examination.

12:03:36 - Other: Medema, Jonathan

12:06:24 - Other: Medema, Jonathan  
has the witness view State's exhibit 226, identified.

12:07:55 - Other: Medema, Jonathan  
requests the witness open the sealed envelope that is State's exhibit 226.

12:08:05 - Pers. Attorney: Manweiler, Mark  
has no objection.

12:08:11 - General:  
State's exhibit 226 is opened by the witness.

12:16:16 - Judge: Horton, Joel D.  
admonishes the jury for the 2nd recess.

12:17:07 - Operator  
Stop recording: (Off Record)

12:35:29 - Operator  
Recording:

12:35:29 - Record  
Thorngren, Donna

12:35:31 - General:  
The jury is present.

12:36:01 - General:  
Counsel stipulate the jury is seated as sworn.

12:36:10 - Judge: Horton, Joel D.  
reminds the witness of her previous oath.

12:36:19 - Other: Medema, Jonathan  
resumes direct examination.

12:44:18 - Other: Medema, Jonathan  
has the witness State's exhibits 227 and 228, identified.

12:58:41 - Other: Medema, Jonathan  
has the witness view State's exhibits 229 thru 232, identified.

13:00:50 - Other: Medema, Jonathan  
offers State's exhibits 229, 230, 231 and 232, no objection, admitted.

13:06:23 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:08:21 - Pers. Attorney: Manweiler, Mark  
has the witness view a report.

13:17:09 - Other: Medema, Jonathan  
begins re-direct.

13:17:50 - General:

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There is nothing further, the witness is excused.

13:18:03 - State Attorney: Armstrong, Shelley  
recalls KATHY WEBSTER, reminded of previous oath.

13:18:25 - State Attorney: Armstrong, Shelley  
resumes direct examination.

13:19:48 - Pers. Attorney: Manweiler, Mark  
objects, requests to address outside the presence of the jury.

13:19:59 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

13:20:04 - General:  
The jury leaves the courtroom.

13:20:38 - General:  
The jury is not present.

13:20:43 - Pers. Attorney: Manweiler, Mark  
objects, relevance and 404b.

13:21:48 - State Attorney: Armstrong, Shelley  
responds.

13:25:47 - Pers. Attorney: Manweiler, Mark  
replies.

13:26:41 - Judge: Horton, Joel D.  
perceives marginal probative value, but does not see as highly relevant.

13:27:02 - Judge: Horton, Joel D.  
perceives probative value outweighed by unfair prejudice.

13:27:29 - Judge: Horton, Joel D.  
sustains the objection.

13:27:36 - State Attorney: Armstrong, Shelley

13:27:42 - Pers. Attorney: Manweiler, Mark

13:28:57 - General:  
Counsel stipulate the jury is present and seated as sworn.

13:29:04 - Judge: Horton, Joel D.  
reminds the witness that she is under oath.

13:29:14 - General:  
There is nothing further, the witness is excused.

13:29:21 - State Attorney: Armstrong, Shelley  
calls RYAN WEBSTER, reminded of previous oath.

13:35:11 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:39:14 - State Attorney: Armstrong, Shelley  
begins re-direct.

13:40:42 - Pers. Attorney: Manweiler, Mark  
begins re-cross.

13:41:06 - General:  
There is nothing further, the witness is excused.

13:41:14 - State Attorney: Armstrong, Shelley  
calls GARRETT MCCOY, sworn by the clerk.

13:43:52 - State Attorney: Armstrong, Shelley  
begins direct examination.

13:53:24 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:58:00 - State Attorney: Armstrong, Shelley  
objects, argumentative, overruled.

13:59:15 - State Attorney: Armstrong, Shelley  
objection, improper impeachment, Mr. Manweiler responds.

13:59:42 - Judge: Horton, Joel D.  
overruled.

14:00:05 - State Attorney: Armstrong, Shelley

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begins re-direct.

14:00:51 - General:

There is nothing further, the witness is excused.

14:00:58 - Judge: Horton, Joel D.

admonishes the jury for the evening recess.

14:01:46 - Operator

Stop recording:

000318

Session: Horton081007  
Session Date: 2007/08/10  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:00

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/10

08:54:21 - Operator  
Recording:  
08:54:21 - New case  
THORNGREN, DONNA  
08:54:37 - General:  
The defendant is present, on bond.  
08:54:42 - General:  
The jury is present.  
08:54:56 - General:  
Counsel stipulate the jury is seated as sworn.  
08:55:02 - State Attorney: Armstrong, Shelley  
08:55:08 - Other: Medema, Jonathan  
calls RANDY PARKER, sworn by the clerk, begins direct examination.  
09:22:45 - Other: Medema, Jonathan  
has the witness view State's exhibit 233, identified.  
09:23:55 - Other: Medema, Jonathan  
offers State's exhibit 233, no objection, admitted.  
09:24:38 - Other: Medema, Jonathan  
has the witness view State's exhibit 234, identified.  
09:26:09 - Other: Medema, Jonathan  
offers State's exhibit 234, no objection, admitted.  
09:41:49 - Other: Medema, Jonathan  
has the witness view State's exhibit 235, identified.

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09:43:05 - Other: Medema, Jonathan  
offers State's exhibit 235, no objection, admitted.

09:55:01 - Other: Medema, Jonathan  
offers State's exhibits 226, 227 and 228, no objection, admitted.

09:56:03 - Other: Medema, Jonathan  
has the witness review State's exhibits 236, 237 and 238, identified.

09:57:08 - Other: Medema, Jonathan  
has the witness view State's exhibit 239, identified.

09:59:13 - Other: Medema, Jonathan  
offers State's exhibits 236, 237, 238 and 239, no objection, admitted.

10:14:29 - Pers. Attorney: Manweiler, Mark  
indicates no questions.

10:14:34 - General:  
There is nothing further, the witness is excused.

10:14:46 - Pers. Attorney: Manweiler, Mark  
requests to take up a motion outside the presence of the jury regarding the

10:14:58 - Pers. Attorney: Manweiler, Mark  
next witness.

10:15:00 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:15:07 - General:  
The jury leaves the courtroom.

10:15:42 - General:  
The jury is not present.

10:15:45 - Pers. Attorney: Manweiler, Mark  
moves to exclude the testimony of Jason Waidelich.

10:18:08 - Judge: Horton, Joel D.  
questions Mr. Manweiler and he responds.

10:18:17 - State Attorney: Armstrong, Shelley  
responds.

10:20:03 - Pers. Attorney: Manweiler, Mark  
replies.

10:20:37 - State Attorney: Armstrong, Shelley  
further responds.

10:21:57 - Pers. Attorney: Manweiler, Mark  
replies.

10:22:05 - Judge: Horton, Joel D.  
address the 2 components of the 403 argument.

10:22:58 - Judge: Horton, Joel D.  
notes the results of polygraph examinations are unreliable as decided by the

10:23:11 - Judge: Horton, Joel D.  
appellate courts.

10:23:16 - Judge: Horton, Joel D.  
will not exclude under rule 43.

10:23:22 - Judge: Horton, Joel D.  
does not find the Rule 48 reference as controlling in this matter.

10:23:56 - Judge: Horton, Joel D.  
denies the motion to exclude.

10:24:08 - State Attorney: Armstrong, Shelley

10:24:22 - General:  
The bailiff indicates that juror #29 received a phone call from a

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10:24:39 - General:  
prospective witness who just indicated that she may be a witness on the case.

10:25:01 - Judge: Horton, Joel D.  
will have the juror brought into the courtroom.

10:26:36 - General:  
Juror #29 is present.

10:27:08 - General:  
Juror #29 is sworn by the clerk.

10:27:29 - Judge: Horton, Joel D.  
questions juror #29 regarding the discussion with the bailiff.

10:27:50 - General:  
Juror #29 she will have occasions to see one of the prospective witnesses

10:28:16 - General:  
since school is now starting.

10:28:36 - Judge: Horton, Joel D.  
questions juror #29 and she responds.

10:30:15 - Judge: Horton, Joel D.  
questions juror #29 regarding view the testimony the same as any other

10:30:28 - Judge: Horton, Joel D.  
witness.

10:30:29 - General:  
Juror #29 believes she can evaluate the testimony of the witness the same as

10:30:41 - General:  
any other witness, can be impartial.

10:30:48 - General:  
Counsel do not have any questions for the juror.

10:31:26 - Judge: Horton, Joel D.  
directs the juror not to mention to any other jurors.

10:31:36 - General:  
Juror #29 leaves the courtroom.

10:31:51 - Judge: Horton, Joel D.  
does not believe there is any reason to excuse the juror, but any contact

10:32:02 - Judge: Horton, Joel D.  
with the witness should not be allowed.

10:32:08 - State Attorney: Armstrong, Shelley  
does not believe the witness will be called, agrees with the court.

10:32:21 - Pers. Attorney: Manweiler, Mark  
does not know if the witness will be called, but agrees with the Court.

10:32:32 - Judge: Horton, Joel D.  
instructs the bailiff to direct juror #29 to avoid contact with the

10:32:47 - Judge: Horton, Joel D.  
prospective witness and if they do have contact, not to discuss the case.

10:33:08 - Operator  
Stop recording: (Off Record)

10:44:15 - Operator  
Recording:

10:44:15 - Record  
THORNGREN, DONNA

000321

10:44:16 - General:  
The jury is present.

10:44:49 - General:  
Counsel stipulate that the jury is seated as sworn.

10:44:59 - State Attorney: Armstrong, Shelley  
calls JASON WAIDELICH, sworn by the clerk.

10:45:26 - State Attorney: Armstrong, Shelley  
begins direct examination.

10:50:34 - Pers. Attorney: Manweiler, Mark  
objects, leading, overruled.

10:54:15 - Pers. Attorney: Manweiler, Mark  
objects, moves to strike as non-responsive, sustained.

11:05:29 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:10:12 - Pers. Attorney: Manweiler, Mark  
has the witness review his testimony in the grand jury transcript.

11:15:36 - State Attorney: Armstrong, Shelley  
begins re-direct.

11:17:10 - General:  
There is nothing further, the witness is excused.

11:17:19 - State Attorney: Armstrong, Shelley  
calls CHRISTY SILVER, sworn by the clerk.

11:17:56 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:24:41 - Pers. Attorney: Manweiler, Mark  
objects, moves to strike as non-responsive, sustains and instructs the jury.

11:25:34 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:29:44 - State Attorney: Armstrong, Shelley  
requests to take up a motion outside the presence of the jury.

11:29:53 - Judge: Horton, Joel D.  
admonishes the jury.

11:29:59 - General:  
The jury leaves the courtroom.

11:30:34 - General:  
The jury is not present.

11:30:41 - State Attorney: Armstrong, Shelley  
requests permission to question the witness re: the phone call to Austin

11:31:06 - State Attorney: Armstrong, Shelley  
Thorngren.

11:31:08 - State Attorney: Armstrong, Shelley  
indicates defense counsel has implied that Adam is involved in the homicide.

11:31:57 - Pers. Attorney: Manweiler, Mark  
responds and objects as to hearsay.

11:32:57 - State Attorney: Armstrong, Shelley  
replies.

11:34:59 - Judge: Horton, Joel D.  
indicates free to inquire that the telephone call was placed, but will not

11:35:14 - Judge: Horton, Joel D.  
revisit the previous ruling.

11:35:55 - General:  
The jury is present.

000322



11:36:26 - General:  
Counsel stipulate the jury is seated as sworn.

11:36:36 - Judge: Horton, Joel D.  
discusses previous rulings made by the Court prior to the beginning of the

11:36:58 - Judge: Horton, Joel D.  
trial..

11:37:28 - Judge: Horton, Joel D.  
reminds the witness that she is still under oath.

11:37:38 - State Attorney: Armstrong, Shelley  
begins re-direct.

11:38:15 - General:  
There is nothing further, the witness is excused.

11:38:23 - State Attorney: Armstrong, Shelley  
calls JEFF BALLUFF, sworn by the clerk.

11:38:56 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:56:24 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:59:45 - State Attorney: Armstrong, Shelley  
objects, foundation, Mr. Manweiler re-phrases the question.

12:00:34 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds, overruled.

12:01:09 - State Attorney: Armstrong, Shelley  
begins re-direct.

12:02:22 - General:  
There is nothing further, the witness is excused.

12:02:32 - Other: Medema, Jonathan  
calls BRUCE YOUNGER, sworn by the clerk.

12:02:58 - Other: Medema, Jonathan  
begins direct examination.

12:19:08 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

12:21:14 - General:  
There is nothing further, the witness is excused.

12:21:21 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:22:12 - Operator  
Stop recording: (Off Record)

12:41:11 - Operator  
Recording:

12:41:11 - Record  
THORNGREN, DONNA

12:41:22 - General:  
The jury is present.

12:41:58 - General:  
Counsel stipulate the jury is seated as sworn.

12:42:23 - Other: Medema, Jonathan  
calls JAMES LESLIE, sworn by the clerk.

12:42:27 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:49:40 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 240, identified.

12:52:05 - Other: Medema, Jonathan  
offers State's exhibit 240, no objection, admitted.

12:52:14 - Other: Medema, Jonathan  
requests to publish.

12:52:17 - Judge: Horton, Joel D.

000323

excuses the court reporter.

12:52:27 - Other: Medema, Jonathan  
withdraws the request to publish at this time, continues direct examination.

12:53:50 - Other: Medema, Jonathan  
has the witness view State's exhibit 241, identified.

12:56:16 - Other: Medema, Jonathan  
has the witness view State's exhibit 242, identified.

12:57:23 - Other: Medema, Jonathan  
offers State's exhibit 242, no objection, admitted.

12:58:38 - Other: Medema, Jonathan  
has the witness view State's exhibits 173 and 174, 173 is not in evidence at this time.

12:58:58 - Other: Medema, Jonathan  
this time.

13:08:22 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:09:22 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibits F, G and H, identified

13:11:32 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit F, no objection, admitted.

13:13:52 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit G, no objection, admitted.

13:15:20 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit H, no objection, admitted.

13:21:07 - Other: Medema, Jonathan  
objects, hearsay, Mr. Manweiler responds, overruled.

13:22:30 - Other: Medema, Jonathan  
objects, call for statements from Mrs. Vetter, Mr. Manweiler responds,

13:22:58 - Other: Medema, Jonathan  
sustained.

13:23:00 - Other: Medema, Jonathan  
begins re-direct.

13:24:59 - General:  
There is nothing further, the witness is excused.

13:25:13 - Other: Medema, Jonathan  
calls CURT FULLER, sworn by the clerk.

13:25:44 - Other: Medema, Jonathan  
begins direct examination.

13:30:10 - Pers. Attorney: Manweiler, Mark  
objects, hearsay, Mr. Medema responds.

13:30:27 - Judge: Horton, Joel D.  
sustains the objection, directs the question would need to be narrowed.

13:45:01 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:52:22 - Other: Medema, Jonathan  
begins re-direct.

13:54:16 - General:  
There is nothing further, the witness is excused.

13:54:28 - Other: Medema, Jonathan  
requests permission to stay in the courtroom.

13:54:35 - Judge: Horton, Joel D.  
indicates the witness is welcome to observe future proceedings.

13:54:50 - Judge: Horton, Joel D.

000324

admonishes the jury for the weekend.

13:55:37 - General:

The jury is not present.

13:56:03 - State Attorney: Armstrong, Shelley

requests to take something up on Monday before the jury comes into the

13:56:16 - State Attorney: Armstrong, Shelley  
courtroom.

13:56:23 - Judge: Horton, Joel D.

will take up 8:50 a.m. on Monday.

13:56:34 - Operator

Stop recording:

000325

Session: Horton081007  
Session Date: 2007/08/10  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:00

Courtroom: CR501

Clerk(s):  
Kennedy, Jennifer

State Attorney(s):  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/10

08:54:21 - Operator  
Recording:  
08:54:21 - New case  
THORNGREN, DONNA  
08:54:37 - General:  
The defendant is present, on bond.  
08:54:42 - General:  
The jury is present.  
08:54:56 - General:  
Counsel stipulate the jury is seated as sworn.  
08:55:02 - State Attorney: Armstrong, Shelley  
08:55:08 - Other: Medema, Jonathan  
calls RANDY PARKER, sworn by the clerk, begins direct examination.  
09:22:45 - Other: Medema, Jonathan

000326

has the witness view State's exhibit 233, identified.  
09:23:55 - Other: Medema, Jonathan  
offers State's exhibit 233, no objection, admitted.  
09:24:38 - Other: Medema, Jonathan  
has the witness view State's exhibit 234, identified.  
09:26:09 - Other: Medema, Jonathan  
offers State's exhibit 234, no objection, admitted.  
09:41:49 - Other: Medema, Jonathan  
has the witness view State's exhibit 235, identified.  
09:43:05 - Other: Medema, Jonathan  
offers State's exhibit 235, no objection, admitted.  
09:55:01 - Other: Medema, Jonathan  
offers State's exhibits 226, 227 and 228, no objection, admitted.  
09:56:03 - Other: Medema, Jonathan  
has the witness review State's exhibits 236, 237 and 238, identified.  
09:57:08 - Other: Medema, Jonathan  
has the witness view State's exhibit 239, identified.  
09:59:13 - Other: Medema, Jonathan  
offers State's exhibits 236, 237, 238 and 239, no objection, admitted.  
10:14:29 - Pers. Attorney: Manweiler, Mark  
indicates no questions.  
10:14:34 - General:  
There is nothing further, the witness is excused.  
10:14:46 - Pers. Attorney: Manweiler, Mark  
requests to take up a motion outside the presence of the jury regarding  
the  
10:14:58 - Pers. Attorney: Manweiler, Mark  
next witness.  
10:15:00 - Judge: Horton, Joel D.  
admonishes the jury for a recess.  
10:15:07 - General:  
The jury leaves the courtroom.  
10:15:42 - General:  
The jury is not present.  
10:15:45 - Pers. Attorney: Manweiler, Mark  
moves to exclude the testimony of Jason Waidelich.  
10:18:08 - Judge: Horton, Joel D.  
questions Mr. Manweiler and he responds.  
10:18:17 - State Attorney: Armstrong, Shelley  
responds.  
10:20:03 - Pers. Attorney: Manweiler, Mark  
replies.  
10:20:37 - State Attorney: Armstrong, Shelley  
further responds.  
10:21:57 - Pers. Attorney: Manweiler, Mark  
replies.  
10:22:05 - Judge: Horton, Joel D.  
address the 2 components of the 403 argument.

000327

10:22:58 - Judge: Horton, Joel D.  
notes the results of polygraph examinations are unreliable as decided by the

10:23:11 - Judge: Horton, Joel D.  
appellate courts.

10:23:16 - Judge: Horton, Joel D.  
will not exclude under rule 43.

10:23:22 - Judge: Horton, Joel D.  
does not find the Rule 48 reference as controlling in this matter.

10:23:56 - Judge: Horton, Joel D.  
denies the motion to exclude.

10:24:08 - State Attorney: Armstrong, Shelley

10:24:22 - General:  
The bailiff indicates that juror #29 received a phone call from a

10:24:39 - General:  
prospective witness who just indicated that she may be a witness on the case.

10:25:01 - Judge: Horton, Joel D.  
will have the juror brought into the courtroom.

10:26:36 - General:  
Juror #29 is present.

10:27:08 - General:  
Juror #29 is sworn by the clerk.

10:27:29 - Judge: Horton, Joel D.  
questions juror #29 regarding the discussion with the bailiff.

10:27:50 - General:  
Juror #29 she will have occasions to see one of the prospective witnesses

10:28:16 - General:  
since school is now starting.

10:28:36 - Judge: Horton, Joel D.  
questions juror #29 and she responds.

10:30:15 - Judge: Horton, Joel D.  
questions juror #29 regarding view the testimony the same as any other

10:30:28 - Judge: Horton, Joel D.  
witness.

10:30:29 - General:  
Juror #29 believes she can evaluate the testimony of the witness the same as

10:30:41 - General:  
any other witness, can be impartial.

10:30:48 - General:  
Counsel do not have any questions for the juror.

10:31:26 - Judge: Horton, Joel D.  
directs the juror not to mention to any other jurors.

10:31:36 - General:  
Juror #29 leaves the courtroom.

10:31:51 - Judge: Horton, Joel D.

000328

does not believe there is any reason to excuse the juror, but any contact

10:32:02 - Judge: Horton, Joel D.  
with the witness should not be allowed.

10:32:08 - State Attorney: Armstrong, Shelley  
does not believe the witness will be called, agrees with the court.

10:32:21 - Pers. Attorney: Manweiler, Mark  
does not know if the witness will be called, but agrees with the Court.

10:32:32 - Judge: Horton, Joel D.  
instructs the bailiff to direct juror #29 to avoid contact with the

10:32:47 - Judge: Horton, Joel D.  
prospective witness and if they do have contact, not to discuss the case.

10:33:08 - Operator  
Stop recording: (Off Record)

10:44:15 - Operator  
Recording:

10:44:15 - Record  
THORNGREN, DONNA

10:44:16 - General:  
The jury is present.

10:44:49 - General:  
Counsel stipulate that the jury is seated as sworn.

10:44:59 - State Attorney: Armstrong, Shelley  
calls JASON WAIDELICH, sworn by the clerk.

10:45:26 - State Attorney: Armstrong, Shelley  
begins direct examination.

10:50:34 - Pers. Attorney: Manweiler, Mark  
objects, leading, overruled.

10:54:15 - Pers. Attorney: Manweiler, Mark  
objects, moves to strike as non-responsive, sustained.

11:05:29 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:10:12 - Pers. Attorney: Manweiler, Mark  
has the witness review his testimony in the grand jury transcript.

11:15:36 - State Attorney: Armstrong, Shelley  
begins re-direct.

11:17:10 - General:  
There is nothing further, the witness is excused.

11:17:19 - State Attorney: Armstrong, Shelley  
calls CHRISTY SILVER, sworn by the clerk.

11:17:56 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:24:41 - Pers. Attorney: Manweiler, Mark  
objects, moves to strike as non-responsive, sustains and instructs the jury.

11:25:34 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

000329

11:29:44 - State Attorney: Armstrong, Shelley  
requests to take up a motion outside the presence of the jury.

11:29:53 - Judge: Horton, Joel D.  
admonishes the jury.

11:29:59 - General:  
The jury leaves the courtroom.

11:30:34 - General:  
The jury is not present.

11:30:41 - State Attorney: Armstrong, Shelley  
requests permission to question the witness re: the phone call to Austin

11:31:06 - State Attorney: Armstrong, Shelley  
Thorngren.

11:31:08 - State Attorney: Armstrong, Shelley  
indicates defense counsel has implied that Adam is involved in the  
homicide.

11:31:57 - Pers. Attorney: Manweiler, Mark  
responds and objects as to hearsay.

11:32:57 - State Attorney: Armstrong, Shelley  
replies.

11:34:59 - Judge: Horton, Joel D.  
indicates free to inquire that the telephone call was placed, but will  
not

11:35:14 - Judge: Horton, Joel D.  
revisit the previous ruling.

11:35:55 - General:  
The jury is present.

11:36:26 - General:  
Counsel stipulate the jury is seated as sworn.

11:36:36 - Judge: Horton, Joel D.  
discusses previous rulings made by the Court prior to the beginning of  
the

11:36:58 - Judge: Horton, Joel D.  
trial..

11:37:28 - Judge: Horton, Joel D.  
reminds the witness that she is still under oath.

11:37:38 - State Attorney: Armstrong, Shelley  
begins re-direct.

11:38:15 - General:  
There is nothing further, the witness is excused.

11:38:23 - State Attorney: Armstrong, Shelley  
calls JEFF BALLUFF, sworn by the clerk.

11:38:56 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:56:24 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:59:45 - State Attorney: Armstrong, Shelley  
objects, foundation, Mr. Manweiler re-phrases the question.

000330



12:00:34 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds, overruled.  
12:01:09 - State Attorney: Armstrong, Shelley  
begins re-direct.  
12:02:22 - General:  
There is nothing further, the witness is excused.  
12:02:32 - Other: Medema, Jonathan  
calls BRUCE YOUNGER, sworn by the clerk.  
12:02:58 - Other: Medema, Jonathan  
begins direct examination.  
12:19:08 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
12:21:14 - General:  
There is nothing further, the witness is excused.  
12:21:21 - Judge: Horton, Joel D.  
admonishes the jury for a recess.  
12:22:12 - Operator  
Stop recording: (Off Record)  
12:41:11 - Operator  
Recording:  
12:41:11 - Record  
THORNGREN, DONNA  
12:41:22 - General:  
The jury is present.  
12:41:58 - General:  
Counsel stipulate the jury is seated as sworn.  
12:42:23 - Other: Medema, Jonathan  
calls JAMES LESLIE, sworn by the clerk.  
12:42:27 - State Attorney: Armstrong, Shelley  
begins direct examination.  
12:49:40 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 240, identified.  
12:52:05 - Other: Medema, Jonathan  
offers State's exhibit 240, no objection, admitted.  
12:52:14 - Other: Medema, Jonathan  
requests to publish.  
12:52:17 - Judge: Horton, Joel D.  
excuses the court reporter.  
12:52:27 - Other: Medema, Jonathan  
withdraws the request to publish at this time, continues direct  
examination.  
12:53:50 - Other: Medema, Jonathan  
has the witness view State's exhibit 241, identified.  
12:56:16 - Other: Medema, Jonathan  
has the witness view State's exhibit 242, identified.  
12:57:23 - Other: Medema, Jonathan  
offers State's exhibit 242, no objection, admitted.  
12:58:38 - Other: Medema, Jonathan

000331

has the witness view State's exhibits 173 and 174, 173 is not in evidence at

12:58:58 - Other: Medema, Jonathan  
this time.

13:08:22 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:09:22 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibits F, G and H, identified.

13:11:32 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit F, no objection, admitted.

13:13:52 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit G, no objection, admitted.

13:15:20 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit H, no objection, admitted.

13:21:07 - Other: Medema, Jonathan  
objects, hearsay, Mr. Manweiler responds, overruled.

13:22:30 - Other: Medema, Jonathan  
objects, call for statements from Mrs. Vetter, Mr. Manweiler responds,

13:22:58 - Other: Medema, Jonathan  
sustaind.

13:23:00 - Other: Medema, Jonathan  
begins re-direct.

13:24:59 - General:  
There is nothing further, the witness is excused.

13:25:13 - Other: Medema, Jonathan  
calls CURT FULLER, sworn by the clerk.

13:25:44 - Other: Medema, Jonathan  
begins direct examination.

13:30:10 - Pers. Attorney: Manweiler, Mark  
objects, hearsay, Mr. Medema responds.

13:30:27 - Judge: Horton, Joel D.  
sustains the objection, directs the question would need to be narrowed.

13:45:01 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

13:52:22 - Other: Medema, Jonathan  
begins re-direct.

13:54:16 - General:  
There is nothing further, the witness is excused.

13:54:28 - Other: Medema, Jonathan  
requests permission to stay in the courtroom.

13:54:35 - Judge: Horton, Joel D.  
indicates the witness is welcome to observe future proceedings.

13:54:50 - Judge: Horton, Joel D.  
admonishes the jury for the weekend.

13:55:37 - General:  
The jury is not present.

13:56:03 - State Attorney: Armstrong, Shelley  
requests to take something up on Monday before the jury comes into the

000332

13:56:16 - State Attorney: Armstrong, Shelley  
courtroom.

13:56:23 - Judge: Horton, Joel D.  
will take up 8:50 a.m. on Monday.

13:56:34 - Operator  
Stop recording:

000333

Session: Horton081007  
Session Date: 2007/08/10  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:00

Courtroom: CR501

Clerk(s):  
Kennedy, Jennifer

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0002

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/13

08:01:30 - Operator  
Recording:  
08:01:30 - New case  
THORNGREN, DONNA  
08:01:55 - General:  
JURY TRIAL DAY 13  
08:01:57 - Operator  
Stop recording: (On Recess)  
08:47:33 - Operator  
Recording:  
08:47:33 - Record  
THORNGREN, DONNA  
08:47:34 - Judge: Horton, Joel D.  
Jury is not present.  
08:47:40 - State Attorney: Armstrong, Shelley  
Addresses the court, state intends to call chain of custody  
witnesses re:  
08:48:00 - State Attorney: Armstrong, Shelley  
phone calls.  
08:48:17 - Pers. Attorney: Manweiler, Mark  
Responds, 1 other witnesses. Capri pants issue. Objects.  
08:49:54 - State Attorney: Armstrong, Shelley  
Names the phone people have been disclosed.  
08:53:16 - State Attorney: Armstrong, Shelley

000334

Further explains witness and phone calls.  
08:54:19 - Judge: Horton, Joel D.  
Will not exclude and will take up 2 jury issues first.  
08:54:32 - Judge: Horton, Joel D.  
Then will voir dire the panel.  
08:54:58 - Judge: Horton, Joel D.  
Swears the juror and questions juror 8.  
08:57:25 - Judge: Horton, Joel D.  
Juror leaves. Court inquires to states & defense position.  
08:57:45 - State Attorney: Armstrong, Shelley  
Does not believe he needs to be excused.  
08:58:09 - Pers. Attorney: Manweiler, Mark  
Not asking him be excused.  
08:58:15 - Judge: Horton, Joel D.  
Further makes a record re: juror 8. Will not excuse.  
08:58:41 - Judge: Horton, Joel D.  
Request next juror. Sworn & questioned.  
09:02:21 - Judge: Horton, Joel D.  
Admonish juror not to discuss with anyone else.  
09:03:26 - Judge: Horton, Joel D.  
Excuses the juror to return to the jury room.  
09:03:45 - State Attorney: Armstrong, Shelley  
No objection to continued service  
09:03:54 - Pers. Attorney: Manweiler, Mark  
No objection, court comments.  
09:04:28 - Judge: Horton, Joel D.  
Next juror # 73 is present. Sworn & questioned.  
09:06:17 - Judge: Horton, Joel D.  
Excuses the juror to return to the jury room.  
09:07:05 - State Attorney: Armstrong, Shelley  
Request juror be excused.  
09:07:13 - Pers. Attorney: Manweiler, Mark  
Joins in the request.  
09:07:26 - Judge: Horton, Joel D.  
Comments re: creditablity of the conversation.  
09:08:02 - Judge: Horton, Joel D.  
Good cause to remove Ms. Brown. Bailiff will inform.  
09:08:35 - Judge: Horton, Joel D.  
Recess 5 minutes.  
09:09:07 - Operator  
Stop recording: (On Recess)  
09:15:22 - Operator  
Recording:  
09:15:22 - Record  
THORNGREN, DONNA  
09:15:23 - Judge: Horton, Joel D.  
Jury panel is present.  
09:16:09 - Judge: Horton, Joel D.  
Request jury sworn and questioned.  
09:17:42 - State Attorney: Armstrong, Shelley  
Calls Dr. Lisa Docktor sworn Direct examination of witness.  
09:37:56 - Pers. Attorney: Manweiler, Mark  
Cross-examination of the witness.  
09:55:57 - State Attorney: Armstrong, Shelley  
Redirect examination.  
09:59:21 - Pers. Attorney: Manweiler, Mark  
Redirect examination.  
10:01:09 - Judge: Horton, Joel D.

000335

Witness excused.

10:01:12 - State Attorney: Armstrong, Shelley  
Calls Gary Dawson sworn Direct examination of witness.

10:27:19 - Pers. Attorney: Manweiler, Mark  
Objects and request the jury be sent out

10:27:30 - Judge: Horton, Joel D.  
Takes 1st break, admonishes the panel.

10:28:16 - Judge: Horton, Joel D.  
Jury is not present.

10:28:20 - Pers. Attorney: Manweiler, Mark  
Elaborates objection re: expert witness disclosure & opinion

10:29:08 - State Attorney: Armstrong, Shelley  
Responds and elaborates states position.

10:29:29 - State Attorney: Armstrong, Shelley  
Will recall him in rebuttal.

10:29:37 - Judge: Horton, Joel D.  
Objection sustained.

10:29:51 - Operator  
Stop recording: (On Recess)

10:44:29 - Operator  
Recording:

10:44:29 - Record  
THORNGREN, DONNA

10:44:41 - Judge: Horton, Joel D.  
Jury is present.

10:45:30 - State Attorney: Armstrong, Shelley  
Nothing further.

10:45:36 - Pers. Attorney: Manweiler, Mark  
Cross-examination of the witness.

10:58:19 - Pers. Attorney: Manweiler, Mark  
Offers I

10:58:22 - State Attorney: Armstrong, Shelley  
Stipulated prior to trial to exhibit, court admits def. I

10:58:27 - Pers. Attorney: Manweiler, Mark  
Continues Cross-examination of the witness.

11:02:15 - State Attorney: Armstrong, Shelley  
Redirect examination.

11:14:15 - Pers. Attorney: Manweiler, Mark  
Recross-examination.

11:16:08 - Judge: Horton, Joel D.  
Witness excused.

11:16:14 - State Attorney: Armstrong, Shelley  
Calls, Jeff Brown sworn Direct examination of witness.

11:22:09 - State Attorney: Armstrong, Shelley  
Id exhibit 301--handwritten will.

11:22:37 - State Attorney: Armstrong, Shelley  
Moves to admit 301

11:22:50 - Pers. Attorney: Manweiler, Mark  
No objection, court admits 301

11:25:41 - Pers. Attorney: Manweiler, Mark  
Cross-examination of the witness.

11:28:08 - Judge: Horton, Joel D.  
Witness is excused.

11:28:15 - State Attorney: Armstrong, Shelley  
Calls Steve Bartlette sworn Direct examination of witness.

11:37:14 - State Attorney: Armstrong, Shelley  
Exhibit 173 Identified

000336

11:38:18 - State Attorney: Armstrong, Shelley  
Moves to admit 173

11:38:32 - Pers. Attorney: Manweiler, Mark  
No objection, court admits 173. State continues examination

11:42:16 - Pers. Attorney: Manweiler, Mark  
No quesitons

11:42:17 - Judge: Horton, Joel D.  
Excuses witness.

11:42:19 - State Attorney: Armstrong, Shelley  
Calls, Crystal (Tuskey) Rhodes sworn Direct examination of w  
itness.

12:02:12 - State Attorney: Armstrong, Shelley  
Exhibit 153 Identified. Continued examination of witness.

12:10:38 - Pers. Attorney: Manweiler, Mark  
Cross-examination of the witness.

12:10:47 - Judge: Horton, Joel D.  
Takes a break, admonishes the jury.

12:11:06 - Judge: Horton, Joel D.  
Counsel come to the bench.

12:11:42 - Judge: Horton, Joel D.  
Takes the break.

12:12:20 - Operator  
Stop recording: (On Recess)

12:31:59 - Operator  
Recording:

12:31:59 - Record  
THORNGREN, DONNA

12:32:01 - Judge: Horton, Joel D.  
Jury is present

12:32:11 - Pers. Attorney: Manweiler, Mark  
Cross-examination of the witness.

12:37:44 - State Attorney: Armstrong, Shelley  
Objections, argumentative

12:37:47 - Judge: Horton, Joel D.  
Sustained

12:37:51 - Pers. Attorney: Manweiler, Mark  
Cross-examination of the witness.

12:47:27 - State Attorney: Armstrong, Shelley  
Redirect examination.

12:50:02 - Pers. Attorney: Manweiler, Mark  
Objects, outside the scope

12:50:08 - State Attorney: Armstrong, Shelley  
Responds to objection

12:50:27 - Pers. Attorney: Manweiler, Mark  
Further elaborates objection

12:50:36 - Judge: Horton, Joel D.  
Comments, overrules the objection.

12:50:51 - State Attorney: Armstrong, Shelley  
Continues Redirect examination.

12:54:51 - Pers. Attorney: Manweiler, Mark  
Recross-examination.

12:55:45 - Judge: Horton, Joel D.  
Witness excused.

12:55:49 - State Attorney: Armstrong, Shelley  
Mr. Medema Calls Scott Beal sworn Direct examination of withn  
ess.

13:06:11 - Pers. Attorney: Manweiler, Mark  
Cross-examination of the witness.

000337

13:08:05 - State Attorney: Armstrong, Shelley  
Mr. Medema Redirect examination.  
13:09:21 - Judge: Horton, Joel D.  
Witness is excused.  
13:09:27 - State Attorney: Armstrong, Shelley  
Calls Brett Quilter sworn Direct examination of witness.  
13:51:42 - Pers. Attorney: Manweiler, Mark  
No questions.  
13:51:49 - Judge: Horton, Joel D.  
Excuses witness.  
13:51:57 - State Attorney: Armstrong, Shelley  
Calls Paul Stolenberg sworn Direct examination of witness.  
13:59:46 - State Attorney: Armstrong, Shelley  
Mr. Medema identifies exhibit 243  
14:01:18 - Pers. Attorney: Manweiler, Mark  
Cross-examination of the witness.  
14:01:54 - State Attorney: Armstrong, Shelley  
Mr. Medema Redirect examination.  
14:02:46 - Judge: Horton, Joel D.  
Witness excused.  
14:02:53 - Judge: Horton, Joel D.  
Final recess, admonishes the jury.  
14:03:42 - Operator  
Stop recording:

000338



Session: Horton081407  
Session Date: 2007/08/14  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:29

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

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Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/14

08:59:50 - Operator  
Recording:  
08:59:50 - New case  
THORNGREN, DONNA  
09:00:06 - General:  
The defendant is present, on bond.  
09:00:11 - General:  
The jury is present.  
09:00:34 - General:  
Counsel stipulate the jury is seated as sworn.  
09:00:44 - State Attorney: Armstrong, Shelley  
calls MIKE HIDER, sworn by the clerk.  
09:01:34 - Other: Medema, Jonathan  
begins direct examination.  
09:09:08 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
09:12:34 - Other: Medema, Jonathan  
begins re-direct.  
09:13:47 - General:  
There is nothing further, the witness is excused.  
09:13:56 - State Attorney: Armstrong, Shelley  
calls RAY CASTENADA, sworn by the clerk.  
09:15:42 - State Attorney: Armstrong, Shelley  
begins direct examination.

000339

09:29:36 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

09:37:01 - State Attorney: Armstrong, Shelley  
begins re-direct.

09:41:57 - Pers. Attorney: Manweiler, Mark  
begins re-cross.

09:43:02 - General:  
There is nothing further, the witness steps down, subject to  
recall.

09:43:17 - State Attorney: Armstrong, Shelley  
calls ADAM MADRILL, sworn by the clerk.

09:44:41 - State Attorney: Armstrong, Shelley  
begins direct examination.

09:49:35 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

09:53:15 - General:  
There is nothing further, the witness is excused.

09:53:30 - State Attorney: Armstrong, Shelley  
calls MIKE TADEO (SOPER), sworn by the clerk.

09:55:19 - State Attorney: Armstrong, Shelley  
begins direct examination.

09:59:11 - State Attorney: Armstrong, Shelley  
requests the Court order the witness to answer the question.

09:59:21 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

09:59:30 - General:  
The jury leaves the courtroom.

10:00:02 - General:  
The jury is not present.

10:00:12 - State Attorney: Armstrong, Shelley  
requests the Court order the witness to answer the question,  
not

10:00:25 - State Attorney: Armstrong, Shelley  
incriminating, no 5th amendment privilege.

10:00:31 - Judge: Horton, Joel D.  
denies the request, some evidence the witness was at the Vet  
ter house when

10:00:48 - Judge: Horton, Joel D.  
the gun was stolen.

10:00:54 - Judge: Horton, Joel D.  
indicates the question may incriminate him, cannot make the  
determination

10:01:08 - Judge: Horton, Joel D.  
that it would not be incriminating.

10:01:22 - Judge: Horton, Joel D.  
indicates there is circumstantial evidence that the witness  
may be

10:01:45 - Judge: Horton, Joel D.  
responsible for the death of Curtis Thorngren.

10:01:53 - State Attorney: Armstrong, Shelley  
questions the Court and the Court responds re: 5th amendment  
privilege.

10:02:21 - State Attorney: Armstrong, Shelley

10:02:21 - Pers. Attorney: Manweiler, Mark  
responds, indicates valid assertion.

10:02:44 - Pers. Attorney: Manweiler, Mark  
indicates it is up to the State which questions it wants to  
ask.

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10:02:53 - Pers. Attorney: Manweiler, Mark  
no objection to continued assertion of the 5th amendment.

10:03:26 - Judge: Horton, Joel D.  
will have the jury return to the courtroom.

10:04:06 - General:  
The jury is present.

10:04:36 - General:  
Counsel stipulate the jury is seated as sworn.

10:04:50 - Judge: Horton, Joel D.  
reminds the witness of his previous oath.

10:04:57 - State Attorney: Armstrong, Shelley  
resumes direct examination.

10:06:02 - Pers. Attorney: Manweiler, Mark  
objects, argumentative and irrelevant, sustained.

10:06:16 - Pers. Attorney: Manweiler, Mark  
objects, asked and answered, Ms. Armstrong responds, overruled.

10:06:47 - Pers. Attorney: Manweiler, Mark  
indicates no questions.

10:06:54 - State Attorney: Armstrong, Shelley  
requests to remain, subject to recall.

10:07:02 - Judge: Horton, Joel D.  
directs to hold the witness downstairs as he is in custody.

10:07:55 - Other: Medema, Jonathan  
calls JULIE AVERY, sworn by the clerk.

10:08:10 - Other: Medema, Jonathan  
begins direct examination.

10:12:38 - Other: Medema, Jonathan  
indicates the parties will stipulate to admitting State's 244 and 245, no

10:13:21 - Other: Medema, Jonathan  
objection, admitted.

10:14:52 - Other: Medema, Jonathan

10:14:59 - General:

10:34:15 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

10:36:02 - General:  
There is nothing further, the witness is excused.

10:36:12 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:36:26 - Operator  
Stop recording: (Off Record)

10:48:21 - Operator  
Recording:

10:48:21 - Record  
THORNGREN, DONNA

10:48:21 - General:  
The jury is not present.

10:48:32 - State Attorney: Armstrong, Shelley  
will be requesting the Court admit a portion of witness Sope  
r's testimony

10:48:51 - State Attorney: Armstrong, Shelley  
before the grand jury because the witness is unavailable.

10:49:15 - Judge: Horton, Joel D.

10:49:43 - State Attorney: Armstrong, Shelley  
continues argument to use Soper grand jury transcript, mark  
as an exhibit a

10:49:58 - State Attorney: Armstrong, Shelley

000341

portion of the testimony.

10:50:15 - Pers. Attorney: Manweiler, Mark  
objects, hearsay and confrontation.  
10:50:45 - Pers. Attorney: Manweiler, Mark  
does not believe the assertion of a privilege makes a statement inconsistent.  
10:52:07 - State Attorney: Armstrong, Shelley  
replies, requests the Court reserve ruling until she has questioned Soper.  
10:53:05 - State Attorney: Armstrong, Shelley  
10:53:08 - General:  
The jury is present.  
10:53:40 - General:  
Counsel stipulate the jury is seated as sworn.  
10:53:55 - Other: Medema, Jonathan  
calls KEN RAMAGE, sworn by the clerk.  
10:54:54 - Other: Medema, Jonathan  
begins direct examination.  
11:08:27 - State Attorney: Armstrong, Shelley  
11:08:30 - Other: Medema, Jonathan  
has the witness view State's exhibit 246, identified.  
11:10:12 - Other: Medema, Jonathan  
offers State's exhibit 246, Mr. Manweiler questions in aid of objection.  
11:10:44 - Pers. Attorney: Manweiler, Mark  
objects, foundation, Mr. Medema will ask additional questions.  
11:10:58 - Judge: Horton, Joel D.  
refuses the offer of State's exhibit 246.  
11:11:55 - Other: Medema, Jonathan  
re-offers State's exhibit 246, Mr. Manweiler objects as the witness does not  
11:12:16 - Other: Medema, Jonathan  
know if the picture accurately depicts the trees and bushes, does not object  
11:12:31 - Other: Medema, Jonathan  
if it is just for the streets.  
11:12:37 - Other: Medema, Jonathan  
offers for illustrative purposes as to location of Bentley and streets.  
11:12:51 - Judge: Horton, Joel D.  
admits for illustrative purposes to show the location of the house and the  
11:13:05 - Judge: Horton, Joel D.  
intersection, may not consider for any other purposes.  
11:25:54 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
11:30:56 - Other: Medema, Jonathan  
begins re-direct.  
11:35:48 - General:  
There is nothing further, the witness is excused.  
11:36:01 - Other: Medema, Jonathan  
calls JIM LONG, sworn by the clerk.  
11:41:29 - Pers. Attorney: Manweiler, Mark  
objects, leading, sustained.  
11:51:39 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
11:56:54 - Other: Medema, Jonathan

000342

begins re-direct.

12:00:35 - General:  
There is nothing further, the witness is excused.

12:00:46 - State Attorney: Armstrong, Shelley  
calls MANNY JUAREZ, sworn by the clerk.

12:01:15 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:10:49 - Pers. Attorney: Manweiler, Mark  
indicates no questions.

12:10:53 - General:  
There is nothing further, the witness steps down.

12:11:00 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:11:09 - Operator  
Stop recording: (Off Record)

12:33:31 - Operator  
Recording:

12:33:31 - Record  
THORNGREN, DONNA

12:33:32 - General:  
The jury is present.

12:34:09 - General:  
Counsel stipulate the jury is seated as sworn.

12:34:18 - General:

12:34:19 - State Attorney: Armstrong, Shelley  
calls ANALISA JUAREZ, sworn by the clerk.

12:34:40 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:42:58 - Pers. Attorney: Manweiler, Mark  
objects, leading, sustained.

12:46:33 - Pers. Attorney: Manweiler, Mark  
objects, foundation and speculation, overruled.

12:50:44 - Pers. Attorney: Manweiler, Mark  
objects, leading, sustained.

12:55:38 - State Attorney: Armstrong, Shelley  
has the witness review her grand jury testimony.

13:09:45 - Pers. Attorney: Manweiler, Mark  
objects, vague, overruled.

13:10:19 - Pers. Attorney: Manweiler, Mark  
objects, hearsay, sustained.

13:10:32 - Pers. Attorney: Manweiler, Mark  
objects, hearsay, overruled.

13:26:32 - Pers. Attorney: Manweiler, Mark  
reserves examination until the defense case.

13:26:46 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JIM MILLER, sworn by the clerk.

13:28:46 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 600, 601, and 243, identified.

13:31:01 - State Attorney: Armstrong, Shelley  
offers State's exhibits 600 and 601.

13:31:07 - Pers. Attorney: Manweiler, Mark  
objects, foundation as to chain of custody.

13:31:34 - State Attorney: Armstrong, Shelley  
will lay additional foundation.

13:31:42 - Judge: Horton, Joel D.  
refuses the offer as to State's exhibits 600 and 601.

13:37:10 - State Attorney: Armstrong, Shelley

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again offers State's exhibit 243.  
13:37:16 - Pers. Attorney: Manweiler, Mark  
objects, foundation as to chain of custody.  
13:37:56 - Judge: Horton, Joel D.  
notes 243 is being offered.  
13:38:01 - Pers. Attorney: Manweiler, Mark  
further objects regarding State's exhibit 243.  
13:38:07 - State Attorney: Armstrong, Shelley  
responds, meant to offer 600 and 601.  
13:38:20 - Pers. Attorney: Manweiler, Mark  
indicates same objection, not a complete chain of custody.  
13:38:30 - State Attorney: Armstrong, Shelley  
replies.  
13:40:22 - Pers. Attorney: Manweiler, Mark  
further responds.  
13:40:34 - Judge: Horton, Joel D.  
overrules the objection, admits State's exhibits 600 and 601  
.  
13:40:42 - Judge: Horton, Joel D.  
notes not a tangible item of evidence, but digital copies with redactions.  
13:43:00 - State Attorney: Armstrong, Shelley  
requests to publish State's exhibit 600.  
13:43:07 - Judge: Horton, Joel D.  
allows publication, excuses the court reporter from transcribing the  
13:43:20 - Judge: Horton, Joel D.  
contents.  
13:43:32 - General:  
13:46:42 - General:  
Publication of State's exhibit 600 begins.  
13:55:22 - General:  
Publication of State's exhibit 600 is complete.  
13:56:09 - State Attorney: Armstrong, Shelley  
requests to stop early today.  
13:56:14 - Pers. Attorney: Manweiler, Mark  
joins in the request.  
13:56:18 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.  
13:57:10 - Operator  
Stop recording:

000344

Session: Horton081607  
Session Date: 2007/08/16  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:28

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/16

09:00:46 - Operator  
Recording:  
09:00:46 - New case  
THORNGREN, DONNA  
09:01:02 - General:  
The defendant is present, on bond.  
09:01:10 - General:  
The jury is present.  
09:01:36 - General:  
Counsel stipulate the jury is seated as sworn.  
09:01:43 - State Attorney: Armstrong, Shelley  
requests to take additional witnesses out of order.  
09:01:51 - Pers. Attorney: Manweiler, Mark  
reserves cross of Detective Miller.  
09:01:59 - State Attorney: Armstrong, Shelley  
calls DR. CARLA FENNIS, sworn by the clerk.  
09:02:40 - State Attorney: Armstrong, Shelley  
begins direct examination.  
09:14:13 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
09:15:45 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibits J and K, identified.  
09:16:25 - State Attorney: Armstrong, Shelley  
offers defense exhibit J, no objection, admitted.

000345

09:17:52 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit K, no objection, admitted.

09:20:59 - General:  
There is nothing further, the witness is excused.

09:21:09 - State Attorney: Armstrong, Shelley  
calls SGT. STACEY ARNOLD, sworn by the clerk.

09:21:43 - Plaintiff Attorney:

09:21:46 - State Attorney: Armstrong, Shelley  
begins direct examination.

09:27:58 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 247, 248 and 249, identified.

09:31:06 - State Attorney: Armstrong, Shelley  
offers State's exhibits 247, 248 and 249, no objection, admitted.

09:31:19 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

09:34:15 - General:  
There is nothing further, the witness is excused.

09:34:31 - State Attorney: Armstrong, Shelley  
calls JOYCE THORNGREN, sworn by the clerk.

09:35:30 - State Attorney: Armstrong, Shelley  
begins direct examination.

09:36:25 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 141, identified.

09:55:44 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 121, identified.

09:58:20 - State Attorney: Armstrong, Shelley  
offers State's exhibit 121, Mr. Manweiler questions in aid of objection.

09:58:51 - Pers. Attorney: Manweiler, Mark  
indicates no objection.

09:58:54 - Judge: Horton, Joel D.  
admits State's exhibit 121.

10:00:50 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 122, identified.

10:01:57 - State Attorney: Armstrong, Shelley  
offers State's exhibit 122, Mr. Manweiler indicates no objection if the

10:02:08 - State Attorney: Armstrong, Shelley  
witness can identify the handwriting.

10:02:14 - Judge: Horton, Joel D.  
admits State's exhibit 122.

10:02:44 - Pers. Attorney: Manweiler, Mark  
objects, hearsay, sustained.

10:23:18 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:23:31 - Operator  
Stop recording: (Off Record)

10:41:46 - Operator  
Recording:

10:41:46 - Record  
THORNGREN, DONNA

10:41:47 - General:  
The jury is present.

10:42:22 - Judge: Horton, Joel D.

10:42:24 - General:  
Counsel stipulate the jury is seated as sworn.

000346



10:42:30 - Judge: Horton, Joel D.  
reminds the witness of her previous oath.

10:42:39 - State Attorney: Armstrong, Shelley  
resumes direct examination of Joyce Thorngren.

10:42:42 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 146, identified.

10:43:21 - State Attorney: Armstrong, Shelley  
offer State's exhibit 146, no objection, admitted.

10:55:07 - State Attorney: Armstrong, Shelley  
offers State's exhibit 141, no objection, admitted.

11:07:20 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 251, identified.

11:10:24 - State Attorney: Armstrong, Shelley  
offers State's exhibit 251, objection as to relevance, Ms. Armstrong

11:10:46 - State Attorney: Armstrong, Shelley  
continues questioning.

11:10:50 - Judge: Horton, Joel D.  
refuses the offer.

11:13:11 - State Attorney: Armstrong, Shelley  
offers State's exhibit 251, Mr. Manweiler renews the objection, the Court

11:13:25 - State Attorney: Armstrong, Shelley  
refuses the offer.

11:19:36 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:20:45 - State Attorney: Armstrong, Shelley  
objects, foundation, Mr. Manweiler will lay further foundation, sustained.

11:30:08 - State Attorney: Armstrong, Shelley  
begins re-direct.

11:30:24 - Pers. Attorney: Manweiler, Mark  
objects, asked and answered, sustained.

11:31:08 - General:  
There is nothing further, the witness is excused.

11:31:19 - State Attorney: Armstrong, Shelley  
calls JONNA GOMEZ, sworn by the clerk.

11:32:08 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:46:00 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:48:25 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibit L, identified.

11:48:50 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit L, no objection, admitted.

11:53:45 - State Attorney: Armstrong, Shelley  
objects, asked and answered, overruled.

11:56:46 - State Attorney: Armstrong, Shelley  
objects, argumentative, sustained.

11:59:18 - State Attorney: Armstrong, Shelley  
objects, argumentative, sustained.

12:02:24 - State Attorney: Armstrong, Shelley  
requests to take something up outside the presence of the jury.

12:02:37 - General:  
Counsel approach the bench re: defense exhibits to be identified.

12:03:04 - Judge: Horton, Joel D.

000347

admonishes the jury for a recess.

12:03:55 - General:  
The jury is not present.

12:04:04 - State Attorney: Armstrong, Shelley  
objects to defense counsel providing hearsay statements through letters

12:04:18 - State Attorney: Armstrong, Shelley  
written from Soper to Gomez. (Defense exhibits M and N).

12:05:47 - State Attorney: Armstrong, Shelley  
requests the Court exclude the exhibits.

12:06:04 - Pers. Attorney: Manweiler, Mark  
responds regarding the exhibits.

12:07:49 - Pers. Attorney: Manweiler, Mark  
does not intent to offer defense exhibit M which is unredacted.

12:08:10 - Judge: Horton, Joel D.  
indicates it does not meet the requirements, sustains the objection.

12:08:36 - Pers. Attorney: Manweiler, Mark  
requests to take up another matter.

12:08:48 - Pers. Attorney: Manweiler, Mark  
argues regarding a meeting between this witness and witness Soper.

12:09:45 - State Attorney: Armstrong, Shelley  
indicates the same objection.

12:10:21 - Pers. Attorney: Manweiler, Mark  
responds.

12:10:32 - Judge: Horton, Joel D.  
sustains the objection.

12:10:50 - Judge: Horton, Joel D.

12:12:08 - General:  
The jury is present.

12:12:37 - General:  
Counsel stipulate the jury is seated as sworn.

12:12:45 - Judge: Horton, Joel D.  
reminds the witness that she is still under oath.

12:12:53 - Pers. Attorney: Manweiler, Mark  
indicates no further questions.

12:12:56 - General:  
There is nothing further, the witness is excused.

12:13:06 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:13:50 - Operator  
Stop recording: (Off Record)

12:39:23 - Operator  
Recording:

12:39:23 - Record  
THORNGREN, DONNA

12:39:29 - General:  
The jury is present.

12:39:59 - General:  
Counsel stipulate the jury is seated as sworn.

12:40:10 - State Attorney: Armstrong, Shelley  
calls VIVIAN MANN (MADRILL), sworn by the clerk.

12:40:52 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:41:56 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

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12:43:10 - Pers. Attorney: Manweiler, Mark  
has the witness review a document.

12:48:02 - General:  
There is nothing further, the witness is excused.

12:48:16 - Other: Medema, Jonathan  
calls AMY GARCIA, sworn by the clerk.

12:48:56 - Other: Medema, Jonathan  
begins direct examination.

13:15:02 - Other: Medema, Jonathan  
has the witness view her grand jury testimony.

13:16:11 - Pers. Attorney: Manweiler, Mark  
indicates no questions.

13:16:14 - General:  
There is nothing further, the witness is excused.

13:16:21 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JOE MILLER, sworn by the clerk.

13:19:20 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 250, identified.

13:20:27 - State Attorney: Armstrong, Shelley  
offers State's exhibit 250, no objection, admitted.

13:26:06 - State Attorney: Armstrong, Shelley  
requests the witness be allowed to open State's exhibit 127.

13:26:35 - Pers. Attorney: Manweiler, Mark  
no objection.

13:26:38 - State Attorney: Armstrong, Shelley  
has the witness open State's exhibit 127.

13:45:14 - Pers. Attorney: Manweiler, Mark  
objects, compound, overruled.

13:47:34 - Pers. Attorney: Manweiler, Mark  
objects, outside the scope, sustained outside substantially  
more foundation.

13:52:05 - Pers. Attorney: Manweiler, Mark  
objects, foundation, Ms. Armstrong responds, Mr. Manweiler r  
eplies.

13:52:23 - Judge: Horton, Joel D.  
sustains the objection.

13:52:41 - State Attorney: Armstrong, Shelley  
questions the Court and the Court responds.

14:00:13 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.

14:01:05 - General:  
The jury is not present.

14:01:13 - Pers. Attorney: Manweiler, Mark  
discusses State's exhibits 600 and 601, needs the Court's in  
put on what is

14:01:45 - Pers. Attorney: Manweiler, Mark  
admissible and what is not.

14:01:48 - Pers. Attorney: Manweiler, Mark  
has a transcript and has marked what is admissible based upo  
n the Court's

14:02:08 - Pers. Attorney: Manweiler, Mark  
earlier ruling.

14:02:11 - State Attorney: Armstrong, Shelley  
indicates the State provided a transcript prior to publicati  
on and will

14:02:29 - State Attorney: Armstrong, Shelley  
object.

14:02:30 - State Attorney: Armstrong, Shelley

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will play several audios at the end of the day tomorrow.

14:02:44 - Pers. Attorney: Manweiler, Mark  
does not expect much of a problem on those.

14:02:51 - Judge: Horton, Joel D.  
discusses timely objections, notes the exhibits were admitted on Tuesday.

14:03:15 - Pers. Attorney: Manweiler, Mark  
indicates the proper redactions were not made.

14:03:31 - Judge: Horton, Joel D.  
questions Mr. Manweiler and he responds.

14:03:37 - Pers. Attorney: Manweiler, Mark  
questions as to the difficulty with State's exhibit 600.

14:03:48 - Pers. Attorney: Manweiler, Mark  
provides transcripts to the Court.

14:04:16 - Pers. Attorney: Manweiler, Mark  
argues regarding the defense objection.

14:05:14 - Pers. Attorney: Manweiler, Mark  
discusses page 2 and page 5.

14:05:59 - Pers. Attorney: Manweiler, Mark  
notes other relevance issues.

14:06:28 - Judge: Horton, Joel D.  
questions Mr. Manweiler re: objections and he responds.

14:07:30 - State Attorney: Armstrong, Shelley  
responds, objects to further redactions.

14:12:21 - Pers. Attorney: Manweiler, Mark  
replies.

14:14:00 - State Attorney: Armstrong, Shelley  
further replies.

14:14:38 - Judge: Horton, Joel D.  
indicates problematic for the parties to project from one ruling on one

14:14:57 - Judge: Horton, Joel D.  
exhibit to another exhibit.

14:15:39 - Judge: Horton, Joel D.

14:16:01 - Judge: Horton, Joel D.  
in view of the absence of timeliness of the objection as to 600, overrules.

14:16:42 - State Attorney: Armstrong, Shelley

14:16:44 - Pers. Attorney: Manweiler, Mark  
argues regarding objections to State's exhibit 601.

14:18:00 - State Attorney: Armstrong, Shelley  
responds.

14:21:52 - Judge: Horton, Joel D.  
notes the Court cannot tell what has already been removed from 601.

14:22:10 - State Attorney: Armstrong, Shelley  
reviews the redactions from 601.

14:22:56 - Judge: Horton, Joel D.

14:23:27 - State Attorney: Armstrong, Shelley

14:23:42 - Pers. Attorney: Manweiler, Mark  
replies.

14:24:28 - State Attorney: Armstrong, Shelley

14:24:42 - Judge: Horton, Joel D.

14:25:26 - Judge: Horton, Joel D.  
orders redaction starting 6 lines up from the bottom of page 4 to 11 lines

14:25:45 - Judge: Horton, Joel D.  
down on page 5.

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14:25:57 - State Attorney: Armstrong, Shelley  
questions the Court and the Court reponds.  
14:26:52 - Judge: Horton, Joel D.  
notes what needs to be removed.  
14:27:10 - State Attorney: Armstrong, Shelley  
14:27:15 - Judge: Horton, Joel D.  
again gives the Court's ruling.  
14:27:53 - Judge: Horton, Joel D.  
releases 601 to the State to make the proper redactions.  
14:28:01 - General:  
Counsel meet with the Court at the bench to dismiss redactio  
ns.  
14:35:17 - Operator  
Stop recording:

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Session: Horton081707  
Session Date: 2007/08/17  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:27

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/17

08:58:33 - Operator  
Recording:  
08:58:33 - New case  
THORNGREN, DONNA  
08:58:52 - General:  
The defendant is present, on bond.  
08:58:58 - General:  
The jury is present.  
08:59:05 - General:  
Counsel stipulate the jury is seated as sworn.  
08:59:16 - General:  
DETECTIVE JOE MILLER retakes the stand, sworn by the clerk.  
08:59:40 - State Attorney: Armstrong, Shelley  
resumes direct examination.  
09:01:55 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 513, identified.  
09:03:01 - Pers. Attorney: Manweiler, Mark  
objects, leading, sustained.  
09:03:30 - State Attorney: Armstrong, Shelley  
offers State's exhibit 513, no objection, admitted.  
09:06:26 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
09:07:06 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibits O and P, identified.

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09:08:41 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit O, no objection, admitted.

09:20:37 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit P, no objection, admitted.

09:21:51 - General:  
There is nothing further, the witness steps down.

09:22:08 - State Attorney: Armstrong, Shelley  
calls PATSY SCHWANKE, sworn by the clerk.

09:22:46 - State Attorney: Armstrong, Shelley  
begins direct examination.

09:24:33 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 169, identified.

09:25:09 - State Attorney: Armstrong, Shelley  
offers State's exhibit 169, Mr. Manweiler objects as cumulative, Ms.

09:25:22 - State Attorney: Armstrong, Shelley  
Armstrong responds.

09:25:24 - Judge: Horton, Joel D.  
reviews the exhibit.

09:25:37 - Judge: Horton, Joel D.  
overrules the objection, admits State's exhibit 169.

09:28:51 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

09:31:02 - General:  
There is nothing further, the witness is excused.

09:31:14 - State Attorney: Armstrong, Shelley  
requests to publish 2 exhibits, 240 and 242.

09:32:24 - General:  
Publication of State's exhibit 240 begins.

09:40:33 - General:  
Publication of State's exhibit 240 is complete.

09:40:41 - General:  
Publication of State's exhibit 242 begins.

09:45:56 - General:  
Publication of State's exhibit 242 is complete.

09:46:16 - State Attorney: Armstrong, Shelley  
requests to publish State's exhibit 601.

09:46:23 - Judge: Horton, Joel D.  
questions as to redactions ordered by the Court.

09:46:29 - State Attorney: Armstrong, Shelley  
indicates that State's exhibit 601 has been redacted properly.

09:50:29 - General:  
Publication of State's exhibit 601 is complete.

09:51:11 - General:  
calls DEPUTY GERALD FAIRBANKS, sworn by the clerk.

09:51:35 - Other:

09:51:42 - Other: Medema, Jonathan  
begins direct examination.

09:57:52 - Other: Medema, Jonathan  
has the witness view State's exhibits 630 and 631, identified.

10:01:45 - Pers. Attorney: Manweiler, Mark  
indicates no questions.

10:01:48 - General:  
There is nothing further, the witness is excused.

10:02:01 - Other: Medema, Jonathan  
calls DEBBIE WILSON, sworn by the clerk.

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10:02:42 - Other: Medema, Jonathan  
begins direct examination.

10:12:40 - Other: Medema, Jonathan  
has the witness view State's exhibits 632, 633, 634, 635 and  
636, identified.

10:20:51 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

10:23:31 - Other: Medema, Jonathan  
begins re-direct.

10:30:01 - Pers. Attorney: Manweiler, Mark  
begins re-cross.

10:30:15 - General:  
There is nothing further, the witness is excused.

10:30:23 - Judge: Horton, Joel D.  
admonishes the jury for the morning recess.

10:31:12 - Operator  
Stop recording: (Off Record)

10:45:03 - Operator  
Recording:

10:45:03 - Record  
THORNGREN, DONNA

10:45:14 - General:  
The jury is present.

10:45:51 - General:  
Counsel stipulate the jury is seated as sworn.

10:45:59 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JIM MILLER, sworn by the clerk.

10:46:21 - State Attorney: Armstrong, Shelley  
begins direct examination.

10:47:24 - State Attorney: Armstrong, Shelley  
has the witness view State exhibits 606-613 and 614-629, identified.

10:49:58 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 630 and 631.

10:50:57 - State Attorney: Armstrong, Shelley  
offers State's exhibits 630 and 631.

10:51:07 - Pers. Attorney: Manweiler, Mark  
requests to take up an objection outside the presence of the  
jury.

10:51:26 - General:  
Time stamp

10:51:27 - State Attorney: Armstrong, Shelley  
withdraws the request for 630 and 631.

10:52:34 - State Attorney: Armstrong, Shelley  
offers State's exhibit 606 thru 613.

10:52:41 - Pers. Attorney: Manweiler, Mark  
requests to take up an objection outside the presence of the  
jury.

10:52:49 - Judge: Horton, Joel D.  
admonishes the jury.

10:52:52 - General:  
The jury leaves the courtroom.

10:53:24 - General:  
The jury is not present.

10:53:34 - Pers. Attorney: Manweiler, Mark  
objects as to relevance and prejudice outweighs probative value.

10:55:32 - Judge: Horton, Joel D.

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questions how the Court can make the determination without reviewing the CDs.

10:55:44 - Pers. Attorney: Manweiler, Mark  
does not know.

10:55:46 - Judge: Horton, Joel D.  
questions Mr. Manweiler and he responds.

10:56:11 - Judge: Horton, Joel D.  
will need to go through the CDs individually.

10:56:20 - Judge: Horton, Joel D.  
will need to excuse the jury for the rest of the day.

10:57:04 - State Attorney: Armstrong, Shelley  
has transcripts of the calls.

10:57:09 - Judge: Horton, Joel D.  
the jury is present.

10:57:44 - General:  
Counsel stipulate the jury is seated as sworn.

10:57:54 - Judge: Horton, Joel D.  
excuses the jury for the day, admonishes.

11:00:08 - General:  
The jury is not present.

11:00:22 - State Attorney: Armstrong, Shelley  
has transcripts.

11:00:27 - Pers. Attorney: Manweiler, Mark  
no objection, would rather use transcripts.

11:00:56 - Operator  
Stop recording: (Off Record)

11:22:52 - Operator  
Recording:

11:22:52 - Record  
THORNGREN, DONNA

11:22:52 - General:  
The jury is not present.

11:23:04 - State Attorney: Armstrong, Shelley  
has also provided a summary to defense counsel.

11:23:15 - State Attorney: Armstrong, Shelley  
submits to the court.

11:23:39 - Judge: Horton, Joel D.  
notes 606 thru 613 have not been identified individually.

11:23:53 - State Attorney: Armstrong, Shelley  
indicates are consistent.

11:24:09 - Judge: Horton, Joel D.  
discusses 606.

11:24:36 - Pers. Attorney: Manweiler, Mark  
offers objection to State's exhibit 606.

11:25:09 - Pers. Attorney: Manweiler, Mark  
believes the bulk is not relevant other than the beginning.

11:26:27 - State Attorney: Armstrong, Shelley  
responds.

11:28:04 - Judge: Horton, Joel D.  
questions Ms. Armstrong and she responds.

11:33:09 - Pers. Attorney: Manweiler, Mark  
replies.

11:33:28 - State Attorney: Armstrong, Shelley  
replies.

11:33:55 - Pers. Attorney: Manweiler, Mark  
further responds.

11:34:03 - Judge: Horton, Joel D.  
directs the State to publish State's exhibit 606 at this poi

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nt.

11:37:01 - General:

Publication of State's exhibit 606 is complete.

11:37:38 - State Attorney: Armstrong, Shelley

indicates the remainder of the call is on 607.

11:37:46 - State Attorney: Armstrong, Shelley

publishes State's exhibit 607.

11:40:06 - General:

Publication of State's exhibit 607 is complete.

11:40:16 - State Attorney: Armstrong, Shelley

discusses redactions made by the State.

11:40:39 - Judge: Horton, Joel D.

goes off the record to review the transcript.

11:40:48 - Operator

Stop recording: (Off Record)

11:43:06 - Operator

Recording:

11:43:06 - Record

THORNGREN, DONNA

11:43:14 - Judge: Horton, Joel D.

as to 606, overruled as to relevance, requires further redaction from what

11:43:32 - Judge: Horton, Joel D.

has been published.

11:43:35 - Judge: Horton, Joel D.

as to page 3, remove 5th line sentence.

11:44:10 - Judge: Horton, Joel D.

as to 607, sustains hearsay objection as to page, starting at line 6. 3 lines

11:45:19 - Judge: Horton, Joel D.

as to bottom of page 5, but anyways thru I was bored redaction.

11:46:09 - Judge: Horton, Joel D.

sustains as to relevance.

11:46:31 - Judge: Horton, Joel D.

as to page 6, order redaction starting with 3rd statement and remainder of

11:46:55 - Judge: Horton, Joel D.

the page as to relevance.

11:47:49 - Judge: Horton, Joel D.

takes up State's exhibit 608.

11:50:22 - Pers. Attorney: Manweiler, Mark

argues an objection to pages 5, 6, 7 and 8 re: Jason Waidlich

narcising on

11:50:44 - Pers. Attorney: Manweiler, Mark

Austin.

11:51:13 - Pers. Attorney: Manweiler, Mark

objects to page 9, top of the page re: witness intimidation and page 10,

11:51:34 - Pers. Attorney: Manweiler, Mark

carryover discussion of 2 persons who are not witnesses.

11:51:56 - Pers. Attorney: Manweiler, Mark

objects as to relevance and misleading to the jury.

11:52:23 - State Attorney: Armstrong, Shelley

requests to publish the exhibit, indicates the voice inflections are

11:52:38 - State Attorney: Armstrong, Shelley

important.

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11:53:01 - State Attorney: Armstrong, Shelley  
responds regarding the objection.  
11:54:11 - Pers. Attorney: Manweiler, Mark  
replies.  
11:54:35 - State Attorney: Armstrong, Shelley  
publishes State's exhibit 608, requests to make further argu  
ment after  
11:54:52 - State Attorney: Armstrong, Shelley  
publication.  
11:55:28 - Judge: Horton, Joel D.  
has the audio stopped.  
11:55:38 - State Attorney: Armstrong, Shelley  
notes the first 4 pages have been removed.  
11:55:45 - State Attorney: Armstrong, Shelley  
continues publication of State's exhibit 608.  
12:05:56 - General:  
Publication of State's exhibit 608.  
12:06:03 - State Attorney: Armstrong, Shelley  
continues argument.  
12:12:42 - Pers. Attorney: Manweiler, Mark  
responds.  
12:13:43 - Judge: Horton, Joel D.  
goes off the record to review the transcript.  
12:13:54 - Operator  
Stop recording: (Off Record)  
12:18:13 - Operator  
Recording:  
12:18:13 - Record  
THORNGREN, DONNA  
12:18:15 - Judge: Horton, Joel D.  
has reviewed the transcripts, notes the Court's concerns.  
12:18:25 - Judge: Horton, Joel D.  
would be inclined to order redaction of page 9 thru 2/3 the  
way down on page  
12:18:39 - Judge: Horton, Joel D.  
10, but is concerned about evidence that would tend to negat  
e the inference  
12:19:04 - Judge: Horton, Joel D.  
the State is advancing.  
12:19:18 - Judge: Horton, Joel D.  
questions Mr. Manweiler.  
12:19:39 - Pers. Attorney: Manweiler, Mark  
indicates it should all be out or all be in.  
12:20:17 - Judge: Horton, Joel D.  
discusses page 12, starting at 2nd line "what did he say," r  
edacts from the  
12:20:43 - Judge: Horton, Joel D.  
audio.  
12:20:53 - State Attorney: Armstrong, Shelley  
questions the Court and the Court responds.  
12:21:37 - Operator  
Stop recording: (Off Record)  
14:20:37 - Operator  
Recording:  
14:20:37 - Record  
THORNGREN, DONNA  
14:20:40 - General:  
The jury is not present.

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14:20:52 - Pers. Attorney: Manweiler, Mark  
indicates agreements have been reached on all but 4 conversations.

14:21:03 - Pers. Attorney: Manweiler, Mark  
will advise the ones that have been agreed upon.

14:21:14 - Pers. Attorney: Manweiler, Mark  
indicates calls 2,3 and 4 have been ruled upon.

14:21:23 - Pers. Attorney: Manweiler, Mark  
indicates as to call 5 (609).

14:21:35 - Pers. Attorney: Manweiler, Mark  
as to 610, have agreed to as is w/o further redactions.

14:21:44 - Pers. Attorney: Manweiler, Mark  
as to 611, agreed to as is, no further redactions.

14:21:51 - Pers. Attorney: Manweiler, Mark  
as to 612, agreed to as is, no further redactions.

14:21:58 - Pers. Attorney: Manweiler, Mark  
as to 613, objection in entirety as to relevance.

14:22:06 - Pers. Attorney: Manweiler, Mark  
as to 614, agreed to as is, no further redactions.

14:22:16 - Pers. Attorney: Manweiler, Mark  
indicates the same for 615, 616 and 617, no further redactions.

14:22:27 - Pers. Attorney: Manweiler, Mark  
as to 618, agreed to additional redactions.

14:22:55 - Pers. Attorney: Manweiler, Mark  
as to 619, 620 and 621, no further redactions.

14:23:06 - Pers. Attorney: Manweiler, Mark  
as to 622, objections to portions of pages 4 and 5.

14:23:15 - Pers. Attorney: Manweiler, Mark  
as to 623 and 624, no further redactions.

14:23:27 - Pers. Attorney: Manweiler, Mark  
as to 625, specific objections to pages 2,3 and 4.

14:23:41 - Pers. Attorney: Manweiler, Mark  
indicates no further redactions as to 626.

14:23:50 - Pers. Attorney: Manweiler, Mark  
indicates have agreed to redactions in 627 and 628.

14:24:03 - Pers. Attorney: Manweiler, Mark  
indicates as to 629, no further redactions.

14:24:15 - Pers. Attorney: Manweiler, Mark  
indicates 1 additional call, conversation #26 (7/2/03).

14:24:27 - Pers. Attorney: Manweiler, Mark  
indicates agreement with additional redactions.

14:24:35 - State Attorney: Armstrong, Shelley  
agrees with defense counsel.

14:24:46 - Judge: Horton, Joel D.  
will admit 610, 611, 612.

14:25:22 - Judge: Horton, Joel D.  
notes all 3 admitted.

14:25:43 - Judge: Horton, Joel D.  
has State's exhibit 637 marked (conversations #26).

14:26:20 - Pers. Attorney: Manweiler, Mark  
indicates as to 618, page 1 already redacted.

14:27:08 - Pers. Attorney: Manweiler, Mark  
indicates redaction on page 3, starting at whatcha doing.

14:27:27 - Pers. Attorney: Manweiler, Mark  
indicates the top half of page 4 is in, redaction start's with well I got a

14:28:04 - Pers. Attorney: Manweiler, Mark

000358

letter today.

14:28:10 - Pers. Attorney: Manweiler, Mark  
indicates the top of page 5 is redacted.

14:28:29 - Pers. Attorney: Manweiler, Mark  
indicates the top of page 6 is in, redaction starts with sto  
p thru the rest

14:28:42 - Pers. Attorney: Manweiler, Mark  
of page 6.

14:28:46 - Pers. Attorney: Manweiler, Mark  
discusses page 7, redactions.

14:29:15 - Pers. Attorney: Manweiler, Mark  
indicates pages 8 and 9 are all in.

14:29:24 - Pers. Attorney: Manweiler, Mark  
indicates the top half of page 10 is in, then the rest out.

14:29:37 - Pers. Attorney: Manweiler, Mark  
indicates all of page 11 is out.

14:29:44 - Pers. Attorney: Manweiler, Mark  
indicates the top third of page 11 is out.

14:30:13 - Pers. Attorney: Manweiler, Mark  
discusses page 12, all of 13 is out.

14:30:18 - Pers. Attorney: Manweiler, Mark  
indicates all of page 14 is out.

14:30:23 - Pers. Attorney: Manweiler, Mark  
indicates the top 2/3 of page 15 is out.

14:30:51 - Pers. Attorney: Manweiler, Mark  
discusses page 16.

14:30:59 - Pers. Attorney: Manweiler, Mark  
indicates pages 17 and 18 are all in.

14:31:04 - Pers. Attorney: Manweiler, Mark  
indicates page 19 is in until the stop in the margin, then t  
he rest is out.

14:31:14 - Pers. Attorney: Manweiler, Mark  
indicates all of 20 is out, all of 21 is in.

14:31:23 - Pers. Attorney: Manweiler, Mark  
discusses page 22.

14:31:42 - Pers. Attorney: Manweiler, Mark  
indicates all of 23 and 24 are out.

14:31:47 - State Attorney: Armstrong, Shelley  
agrees with defense counsel.

14:31:52 - Pers. Attorney: Manweiler, Mark  
takes up 627, all #23.

14:32:15 - Pers. Attorney: Manweiler, Mark  
indicates no changes to pages 1 and 2.

14:32:31 - Pers. Attorney: Manweiler, Mark  
discusses page 3, redact middle of page to the bottom.

14:32:44 - Pers. Attorney: Manweiler, Mark  
indicates all of page 4 is out.

14:32:51 - Pers. Attorney: Manweiler, Mark  
indicates all of page 5 is out.

14:33:11 - State Attorney: Armstrong, Shelley  
agrees with defense counsel.

14:33:19 - Pers. Attorney: Manweiler, Mark  
takes up call #24, exhibit 628.

14:33:26 - Pers. Attorney: Manweiler, Mark  
indicates page 2 will be redacted.

14:33:33 - State Attorney: Armstrong, Shelley  
agrees with defense counsel.

14:33:38 - Pers. Attorney: Manweiler, Mark

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as to call #26, exhibit 637.

14:33:48 - Pers. Attorney: Manweiler, Mark  
indicates page 1 is redacted.

14:33:56 - Pers. Attorney: Manweiler, Mark  
indicates page 2 is all in.

14:34:01 - Pers. Attorney: Manweiler, Mark  
indicates top 2/3 of page is 3 is in, then redaction beginni  
ng with uh huh

14:34:17 - Pers. Attorney: Manweiler, Mark  
and then all of page 4.

14:34:29 - State Attorney: Armstrong, Shelley  
agrees with defense counsel.

14:34:54 - Pers. Attorney: Manweiler, Mark  
argues objection to exhibit 625 (call #21), no objections to  
page 1.

14:35:41 - Pers. Attorney: Manweiler, Mark  
discusses objections to pages 2,3 and 4.

14:36:28 - State Attorney: Armstrong, Shelley  
responds.

14:39:06 - Pers. Attorney: Manweiler, Mark  
replies.

14:40:24 - Judge: Horton, Joel D.  
will go off the record to review the transcript.

14:40:40 - Operator  
Stop recording: (Off Record)

14:45:32 - Operator  
Recording:

14:45:32 - Record  
THORNGREN, DONNA

14:45:39 - Judge: Horton, Joel D.  
as to 625, sustains the objection in part, orders redaction  
starting on page

14:45:56 - Judge: Horton, Joel D.  
2 thru all of page 3, hearsay sustained.

14:46:07 - Judge: Horton, Joel D.  
questions Mr. Manweiler.

14:46:14 - Judge: Horton, Joel D.  
overrules the objection to page 4.

14:46:49 - Judge: Horton, Joel D.  
overrules the hearsay objection to the top of page 4.

14:47:03 - Pers. Attorney: Manweiler, Mark  
argues the objection to 618.

14:47:35 - Pers. Attorney: Manweiler, Mark  
objects to portions of numbered page 4.

14:48:30 - State Attorney: Armstrong, Shelley  
responds.

14:50:04 - Pers. Attorney: Manweiler, Mark  
replies.

14:50:28 - State Attorney: Armstrong, Shelley  
replies.

14:51:49 - Pers. Attorney: Manweiler, Mark  
further responds.

14:52:11 - Judge: Horton, Joel D.  
sustains the objection, orders redaction to Van talk to the  
end of page 5

14:52:57 - Judge: Horton, Joel D.  
(State's exhibit 622).

14:53:04 - State Attorney: Armstrong, Shelley

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questions the Court and the Court responds.  
14:53:21 - State Attorney: Armstrong, Shelley  
indicates agreed to redaction on page 3.  
14:53:45 - Pers. Attorney: Manweiler, Mark  
agrees with counsel.  
14:54:02 - Pers. Attorney: Manweiler, Mark  
argues objection to exhibit 613, call #9.  
14:54:55 - Pers. Attorney: Manweiler, Mark  
indicates objection as to relevance and outweighed by unfair  
prejudice.  
14:55:09 - State Attorney: Armstrong, Shelley  
responds to the objection, requests to publish.  
14:55:28 - General:  
State's exhibit 613 is published.  
14:57:47 - General:  
Publication of State's exhibit 13 is complete.  
14:57:55 - State Attorney: Armstrong, Shelley  
argues response to objection.  
14:59:40 - Public Defender:  
14:59:43 - Pers. Attorney: Manweiler, Mark  
replies, unfair inference.  
15:00:14 - Judge: Horton, Joel D.  
indicates the inferences the State would have the Court draw  
are reaches.  
15:00:43 - Judge: Horton, Joel D.  
sustains the objection to State's exhibit 613.  
15:00:56 - Pers. Attorney: Manweiler, Mark  
argues the defense objection to 609, call #5.  
15:02:08 - Pers. Attorney: Manweiler, Mark  
indicates relevance objection to the exhibit.  
15:02:48 - State Attorney: Armstrong, Shelley  
requests to publish.  
15:02:51 - General:  
State's exhibit 609 is published to the Court.  
15:03:56 - General:  
Publication is stopped.  
15:04:11 - General:  
Publication continues.  
15:11:51 - General:  
Publication of State's exhibit 609 is complete.  
15:11:58 - State Attorney: Armstrong, Shelley  
responds to the objection to 609.  
15:15:34 - Pers. Attorney: Manweiler, Mark  
replies.  
15:16:11 - Judge: Horton, Joel D.  
is inclined to redact starting with the bottom of page 9 thr  
u page 12.  
15:16:49 - Judge: Horton, Joel D.  
is concerned of eliminating material that may be germane to  
contrary  
15:17:07 - Judge: Horton, Joel D.  
inference.  
15:17:15 - Judge: Horton, Joel D.  
would not order Scott Barker info redacted if requested by t  
he defense.  
15:17:34 - Pers. Attorney: Manweiler, Mark  
is satisfied the Court's previous redaction.  
15:17:45 - Judge: Horton, Joel D.

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orders the redaction from the bottom of page 9 to the end of page 12.

15:18:00 - State Attorney: Armstrong, Shelley  
requests the Court reconsider on page 11 re: Adam conversati  
on.

15:18:59 - Pers. Attorney: Manweiler, Mark  
responds to the request.

15:19:24 - Judge: Horton, Joel D.  
does not perceive the probative value, but does see the dang  
er of unfair

15:19:50 - Judge: Horton, Joel D.  
prejudice, denies the request.

15:20:45 - Judge: Horton, Joel D.  
notes the Court wants to take these issues up on the Court's  
time and not the

15:21:02 - Judge: Horton, Joel D.  
jury's time.

15:21:30 - State Attorney: Armstrong, Shelley

15:21:58 - Pers. Attorney: Manweiler, Mark

15:22:10 - Judge: Horton, Joel D.

15:22:29 - State Attorney: Armstrong, Shelley  
authorizes release of State's exhibits.

15:23:02 - Judge: Horton, Joel D.

release 606-609, and 614-629.

15:23:44 - Operator  
Stop recording:

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Session: Horton082007  
Session Date: 2007/08/20  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:33

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/20

09:06:46 - Operator  
Recording:  
09:06:46 - New case  
THORNGREN, DONNA  
09:07:01 - General:  
The defendant is present, on bond.  
09:07:08 - General:  
The jury is present.  
09:07:27 - General:  
Counsel stipulate the jury is seated as sworn.  
09:07:35 - Judge: Horton, Joel D.  
discusses scheduling issues.  
09:08:33 - State Attorney: Armstrong, Shelley  
recalls DETECTIVE JIM MILLER, sworn by the clerk.  
09:09:04 - State Attorney: Armstrong, Shelley  
resumes direct examination.  
09:09:55 - Judge: Horton, Joel D.  
notes 610, 611 and 612 have been admitted.  
09:10:04 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 606, 607, 608, 609, 61  
0, 611, 612 and  
09:10:30 - State Attorney: Armstrong, Shelley  
613.  
09:11:01 - State Attorney: Armstrong, Shelley

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indicates she has a substitute 612, returns original 612 to the clerk.

09:12:31 - State Attorney: Armstrong, Shelley continues questioning regarding the CD exhibits.

09:16:30 - State Attorney: Armstrong, Shelley offers State's exhibits 606 thru 609.

09:16:38 - Pers. Attorney: Manweiler, Mark rests on previous objections and previous rulings.

09:16:45 - Judge: Horton, Joel D. notes objections were sustained in part and overruled in part.

09:16:55 - Judge: Horton, Joel D. admits State's exhibits 606, 607, 608 and 609.

09:17:30 - State Attorney: Armstrong, Shelley has the witness view State's exhibits 614 thru 629, identified.

09:20:05 - State Attorney: Armstrong, Shelley has the witness view State's exhibit 637, identified.

09:20:31 - State Attorney: Armstrong, Shelley offers State's exhibits 614-629 and 637.

09:20:46 - Pers. Attorney: Manweiler, Mark indicates no objection to 614, 615, 616, 617, 618, 619, 621, rests on prior

09:21:08 - Pers. Attorney: Manweiler, Mark objections to 622, no objection to 623, 624, rests on prior objection on 625,

09:21:19 - Pers. Attorney: Manweiler, Mark no objection to 626, 627, 628, 629, 637.

09:21:38 - Plaintiff Attorney:

09:21:39 - Judge: Horton, Joel D. admits 614-629, 637.

09:22:32 - State Attorney: Armstrong, Shelley will publish the exhibits.

09:24:36 - State Attorney: Armstrong, Shelley publishes State's exhibit 606.

09:27:17 - General: Publication of State's exhibit 606 is complete.

09:27:54 - General: Publication of State's exhibit 607 begins.

09:29:06 - General: Publication of State's exhibit 607 is complete.

09:30:39 - State Attorney: Armstrong, Shelley

09:30:42 - General: Publication of State's exhibit 608 begins.

09:39:51 - General: Publication of State's exhibit 608 is complete.

09:41:55 - General: Publication of State's exhibit 609 begins.

09:45:24 - General: Publication of State's exhibit 609 is complete.

09:46:23 - General: Publication of State's exhibit 610 begins.

09:47:14 - General: Publication of State's exhibit 610 is complete.

09:48:32 - Judge: Horton, Joel D. questions counsel regarding State's exhibit 611.

09:48:43 - General: Publication of State's exhibit 611 begins.

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09:49:43 - General:  
Publication of State's exhibit 611 is complete.

09:50:31 - General:  
Publication of State's exhibit 612 begins.

09:51:48 - General:  
There is a problem with the publication of State's exhibit 612.

09:52:06 - State Attorney: Armstrong, Shelley  
requests to re-publish State's exhibit 612 on a different laptop computer.

09:54:21 - General:  
Publication of State's exhibit 612 begins again.

09:55:25 - General:  
Publication of State's exhibit 612 is complete.

09:56:58 - General:  
Publication of State's exhibit 614 begins.

09:59:54 - General:  
Publication of State's exhibit 614 is complete.

10:00:55 - General:  
Publication of State's exhibit 615 begins.

10:01:55 - General:  
Publication of State's exhibit 615 is complete.

10:02:42 - General:  
Publication of State's exhibit 616 begins.

10:06:00 - General:  
Publication of State's exhibit 616 is complete.

10:07:19 - General:  
Publication of State's exhibit 617 begins.

10:10:32 - General:  
Publication of State's exhibit 617 is complete.

10:11:54 - Pers. Attorney: Manweiler, Mark  
objects, foundation and speculation, sustained.

10:12:17 - General:  
Publication of State's exhibit 618 begins.

10:25:29 - General:  
Publication of State's exhibit 618 is complete.

10:25:41 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:26:31 - Operator  
Stop recording: (Off Record)

10:43:23 - Operator  
Recording:

10:43:23 - Record  
THORNGREN, DONNA

10:43:39 - General:  
The jury is present.

10:44:13 - General:  
Counsel stipulate the jury is seated as sworn.

10:44:24 - General:

10:44:25 - Judge: Horton, Joel D.  
reminds the witness of his previous oath.

10:45:32 - State Attorney: Armstrong, Shelley  
resumes direct examination, has the witness review State's exhibit 153,

10:45:43 - State Attorney: Armstrong, Shelley  
identified.

10:49:04 - Pers. Attorney: Manweiler, Mark  
objects, relevance, sustained.

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10:49:22 - Pers. Attorney: Manweiler, Mark  
indicates same objection, overrules but calls for a yes or no answer.

10:51:50 - General:  
Publication of State's exhibit 619 begins.

10:56:43 - General:  
Publication of State's exhibit 619 is complete.

10:58:11 - General:  
Publication of State's exhibit 620 begins.

11:06:08 - General:  
Publication of State's exhibit 620 is complete.

11:07:03 - General:  
Publication of State's exhibit 621 begins.

11:11:16 - General:  
Publication of State's exhibit 621 is complete.

11:14:14 - General:  
Publication of State's exhibit 622 begins.

11:15:36 - General:  
Publication of State's exhibit 622 is complete.

11:17:02 - General:  
Publication of State's exhibit 623 begins.

11:23:05 - General:  
Publication of State's exhibit 623 is complete.

11:26:31 - General:  
Publication of State's exhibit 624 begins.

11:28:56 - Other:

11:28:58 - Other:

11:29:00 - General:  
Publication of State's exhibit 624 is complete.

11:29:26 - State Attorney: Armstrong, Shelley  
offers State's exhibit 153, no objection, admitted.

11:31:49 - General:  
Publication of State's exhibit 625 begins.

11:35:44 - General:  
Publication of State's exhibit 625 is complete.

11:36:34 - General:  
Publication of State's exhibit 626 begins.

11:41:56 - General:  
Publication of State's exhibit 626 is complete.

11:42:47 - General:  
Publication of State's exhibit 627 begins.

11:44:42 - General:  
Publication of State's exhibit 627 is complete.

11:45:49 - State Attorney: Armstrong, Shelley  
has the witness review transcripts to refresh his collection

11:45:51 - Judge: Horton, Joel D.  
notes the jury will not receive any transcripts for deliberations.

11:47:00 - Pers. Attorney: Manweiler, Mark  
objection, speculation, sustained.

11:47:06 - General:  
Publication of State's exhibit 628 begins.

11:48:35 - General:  
Publication of State's exhibit 628 is complete.

11:49:17 - General:  
Publication of State's exhibit 629 begins.

11:52:36 - General:

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Publication of State's exhibit 629 is complete.  
11:53:11 - General:  
Publication of State's exhibit 637 begins.  
11:55:31 - General:  
Publication of State's exhibit 637 is complete.  
11:55:41 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
11:57:31 - State Attorney: Armstrong, Shelley  
begins re-direct.  
11:58:25 - State Attorney: Armstrong, Shelley  
requests counsel approach.  
11:58:28 - General:  
Counsel approach the bench for a conference.  
11:59:08 - General:  
The bench conference ends.  
11:59:21 - General:  
There is nothing further, the witness steps down.  
11:59:30 - State Attorney: Armstrong, Shelley  
calls HOLLI STEINBORN (NARY), sworn by the clerk.  
12:00:08 - State Attorney: Armstrong, Shelley  
begins direct examination.  
12:14:03 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
12:17:02 - State Attorney: Armstrong, Shelley  
objection, form of the questions, Mr. Manweiler responds, ov  
erruled.  
12:18:17 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds, sustained.  
12:19:12 - State Attorney: Armstrong, Shelley  
objects, hearsay.  
12:19:20 - Judge: Horton, Joel D.  
allows counsel to finish the question.  
12:19:28 - State Attorney: Armstrong, Shelley  
objects, hearsay, sustained.  
12:19:50 - State Attorney: Armstrong, Shelley  
objects, hearsay, sustained.  
12:20:11 - State Attorney: Armstrong, Shelley  
objects, hearsay, sustained.  
12:20:18 - Pers. Attorney: Manweiler, Mark  
is offering for the purpose of impeachment.  
12:20:33 - State Attorney: Armstrong, Shelley  
responds to the offer.  
12:20:44 - Judge: Horton, Joel D.  
sustains the objection.  
12:20:58 - State Attorney: Armstrong, Shelley  
objects, hearsay, overruled.  
12:22:04 - State Attorney: Armstrong, Shelley  
objects, hearsay, overruled.  
12:23:10 - State Attorney: Armstrong, Shelley  
objects, hearsay, sustained.  
12:24:05 - State Attorney: Armstrong, Shelley  
begins re-direct.  
12:24:17 - General:  
There is nothing further, the witness is excused.  
12:24:30 - Judge: Horton, Joel D.  
admonishes the jury for a recess.  
12:25:19 - Operator  
Stop recording: (Off Record)

000367

12:43:14 - Operator  
Recording:  
12:43:14 - Record  
THORNGREN, DONNA  
12:43:14 - General:  
The jury is present.  
12:43:50 - General:  
Counsel stipulate the jury is seated as sworn.  
12:44:06 - State Attorney: Armstrong, Shelley  
calls RICH GOLDSTEIN, sworn by the clerk.  
12:59:46 - State Attorney: Armstrong, Shelley  
begins direct examination.  
13:01:48 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 155, 156, 157 and 158,  
identified.  
13:04:25 - State Attorney: Armstrong, Shelley  
13:05:00 - State Attorney: Armstrong, Shelley  
offers State's exhibits 155, 156, 157 and 158, no objection,  
admitted.  
13:07:46 - State Attorney: Armstrong, Shelley  
has the witness review the grand jury transcript.  
13:24:44 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 160a, identified.  
13:30:46 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 638, identified.  
13:33:48 - State Attorney: Armstrong, Shelley  
offers State's exhibit 638, Mr. Manweiler questions in aid o  
f objection.  
13:35:18 - Pers. Attorney: Manweiler, Mark  
requests to make a motion outside the presence of the jury.  
13:35:26 - Judge: Horton, Joel D.  
admonishes the jury for a recess.  
13:36:11 - General:  
The jury is not present.  
13:36:18 - Pers. Attorney: Manweiler, Mark  
requests to review the file of the witnesses, does not belie  
ve he has been  
13:36:29 - Pers. Attorney: Manweiler, Mark  
provided with a copy.  
13:37:28 - Pers. Attorney: Manweiler, Mark  
indicates he has not been provided with all the pages in the  
witness's file.  
13:38:16 - Pers. Attorney: Manweiler, Mark  
indicates at least 20-30 pages he has not seen until now.  
13:38:25 - Pers. Attorney: Manweiler, Mark  
moves to strike the testimony and exhibits 155, 156, 157 and  
158.  
13:38:39 - State Attorney: Armstrong, Shelley  
13:38:40 - Pers. Attorney: Manweiler, Mark  
objects to exhibit 638 as well.  
13:38:51 - State Attorney: Armstrong, Shelley  
requests to review the file.  
13:39:03 - Judge: Horton, Joel D.  
allows the State to review the file.  
13:39:11 - State Attorney: Armstrong, Shelley  
indicates the defense has not made a record of what he does  
not have from the  
13:39:27 - State Attorney: Armstrong, Shelley

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file.

13:39:43 - Pers. Attorney: Manweiler, Mark  
will identify the pages his hasn't seen.

13:39:54 - Pers. Attorney: Manweiler, Mark  
has not seen pages 1,2,3,4,5,6 on the right side of the file

13:40:20 - Pers. Attorney: Manweiler, Mark  
as to the left side, has not seen the top page, email about  
Elvis fan club,

13:41:42 - Pers. Attorney: Manweiler, Mark  
25 pages of emails, evidence ledger, copies of emails between  
Shelly and

13:42:03 - Pers. Attorney: Manweiler, Mark  
Rich, Elvis fan club email, ISP evidence admission form, computer  
worksheets.

13:44:16 - Pers. Attorney: Manweiler, Mark  
email re: Alice Vetter, computer evidence collection page, computer  
typing (2

13:44:36 - Pers. Attorney: Manweiler, Mark  
lines), photocopy of the hard drive.

13:44:46 - State Attorney: Armstrong, Shelley  
requests to make copies at this time, responds to the objection.

13:46:36 - General:  
The jury is present.

13:47:17 - General:  
Counsel stipulate the jury is seated as sworn.

13:47:32 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.

13:48:14 - General:  
The jury is not present.

13:48:21 - Judge: Horton, Joel D.  
directs the prosecutor to make 3 copies.

13:48:28 - Judge: Horton, Joel D.  
will reconvene at 2:15 p.m.

13:48:39 - Operator  
Stop recording:

14:14:10 - Operator  
Recording:

14:14:10 - Record  
THORNGREN, DONNA

14:14:10 - General:  
The jury is not present.

14:14:22 - State Attorney: Armstrong, Shelley

14:14:55 - General:  
Counsel provide the Court the documents not received by the  
defense.

14:16:43 - State Attorney: Armstrong, Shelley  
further responds to the objection by the defense.

14:23:50 - State Attorney: Armstrong, Shelley  
indicates there is nothing in the documents that would prejudice  
defense

14:24:01 - State Attorney: Armstrong, Shelley  
counsel.

14:26:40 - Judge: Horton, Joel D.  
questions Ms. Armstrong and she responds.

14:27:33 - Judge: Horton, Joel D.  
discusses using discovery responses.

000369

14:29:27 - State Attorney: Armstrong, Shelley  
14:29:59 - Pers. Attorney: Manweiler, Mark  
14:30:21 - State Attorney: Armstrong, Shelley  
represents to the Court what the computer language stands fo  
r on the 3rd  
14:30:38 - State Attorney: Armstrong, Shelley  
page on the 19 page document.  
14:34:02 - State Attorney: Armstrong, Shelley  
requests the Court allow time for defense counsel to review  
and call Mr.  
14:34:17 - State Attorney: Armstrong, Shelley  
Goldstein back to the witness stand to testify what the lang  
uage stands for  
14:34:30 - State Attorney: Armstrong, Shelley  
in email.  
14:34:33 - State Attorney: Armstrong, Shelley  
discusses the non-drug ledger.  
14:35:09 - State Attorney: Armstrong, Shelley  
discusses the face sheets packet.  
14:37:56 - State Attorney: Armstrong, Shelley  
discusses the last 4 pages.  
14:38:28 - State Attorney: Armstrong, Shelley  
again requests the State be allowed to put Mr. Goldstein bac  
k on the stand.  
14:38:41 - Pers. Attorney: Manweiler, Mark  
responds, indicates it is not late disclosure it is non-disc  
losure.  
14:39:38 - Pers. Attorney: Manweiler, Mark  
indicates he does not have the time to consult an expert.  
14:40:59 - Pers. Attorney: Manweiler, Mark  
requests the witness be excluded.  
14:41:04 - Judge: Horton, Joel D.  
sustains the objection to exhibit 638 at this time.  
14:41:17 - Judge: Horton, Joel D.  
denies the motion to strike exhibits 155, 156, 157 and 158.  
14:41:28 - Judge: Horton, Joel D.  
notes the State allowed Mr. Manweiler to review the file bef  
ore offering the  
14:41:41 - Judge: Horton, Joel D.  
exhibits.  
14:41:57 - Judge: Horton, Joel D.  
indicates it is an extraordinary late disclosure.  
14:42:07 - Judge: Horton, Joel D.  
will continue the trial until defense counsel has had time t  
o have an expert  
14:42:17 - Judge: Horton, Joel D.  
review the exhibits.  
14:42:28 - Operator  
Stop recording:

000370



Session: Horton082407  
Session Date: 2007/08/24  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 07:40

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley  
Fisher, Jean  
Harmer, Ben

Public Defender(s):  
Myshin, Amil

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Additional audio and annotations can be found in case: 0005.  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/24

08:44:40 - Operator  
Recording:  
08:44:40 - New case  
THORNGREN, DONNA  
08:45:00 - General:  
The defendant is present, on bond.  
08:45:06 - General:  
The jury is not present.  
08:45:09 - Pers. Attorney: Manweiler, Mark  
has consulted with a computer expert.  
08:45:16 - Judge: Horton, Joel D.  
takes up scheduling re: Labor Day - no objection from counse  
l.  
08:46:03 - Operator  
Stop recording: (Off Record)  
08:57:32 - Operator  
Recording:  
08:57:32 - Record  
THORNGREN, DONNA  
08:57:48 - General:

000371

The jury is present.

08:58:25 - General:

Counsel stipulate that the jury is seated as sworn.

08:58:40 - Judge: Horton, Joel D.

explains the unexpected delay in the trial on Tuesday and Thursday.

09:00:51 - Judge: Horton, Joel D.

discusses Labor Day issues.

09:01:08 - General:

Witness RICH GOLDSTEIN is re-sworn by the clerk.

09:01:32 - State Attorney: Armstrong, Shelley

resumes direct examination.

09:01:39 - Judge: Horton, Joel D.

notes the objection to the offer of State's exhibit 638 was sustained.

09:02:25 - State Attorney: Armstrong, Shelley

has the witness view State's exhibit 638, identified.

09:03:32 - Judge: Horton, Joel D.

notes the clerk has a 638 as well.

09:03:43 - State Attorney: Armstrong, Shelley

indicates hers is the same document as what the clerk has in her records.

09:04:05 - State Attorney: Armstrong, Shelley

continues with direct examination.

09:06:20 - State Attorney: Armstrong, Shelley

offers State's exhibit 638, no objection, admitted.

09:12:13 - State Attorney: Armstrong, Shelley

has the witness view State's exhibit 639, identified.

09:14:17 - State Attorney: Armstrong, Shelley

offers State's exhibit 639, no objection, admitted.

09:19:47 - State Attorney: Armstrong, Shelley

has the witness view State's exhibit 160, previously denied by the Court.

09:21:09 - State Attorney: Armstrong, Shelley

has the witness view State's exhibit 164, identified.

09:22:24 - State Attorney: Armstrong, Shelley

has the witness view his testimony in the grand jury transcript.

09:29:39 - State Attorney: Armstrong, Shelley

offers State's exhibit 164, Mr. Manweiler questions in aid of objection.

09:30:39 - State Attorney: Armstrong, Shelley

objects, argumentative, asked and answered, Mr. Manweiler responds.

09:30:49 - Judge: Horton, Joel D.

sustains as argumentative.

09:33:55 - Pers. Attorney: Manweiler, Mark

objects, has never seen a documents with a header that shows a deletion date.

09:34:13 - State Attorney: Armstrong, Shelley

responds.

09:35:34 - Pers. Attorney: Manweiler, Mark

replies. hearsay objection.

09:35:59 - Judge: Horton, Joel D.

notes objection must be timely for the Court to rule.

09:36:08 - Judge: Horton, Joel D.

overrules the objection, admits State's exhibit 164.

09:36:33 - State Attorney: Armstrong, Shelley

000372

has the witness view State's exhibit 154, identified.  
09:47:09 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
09:55:25 - Pers. Attorney: Manweiler, Mark  
has the witness review a document.  
09:58:55 - State Attorney: Armstrong, Shelley  
objects, let the witness finish, overruled.  
10:21:15 - State Attorney: Armstrong, Shelley  
begins re-direct.  
10:22:31 - Pers. Attorney: Manweiler, Mark  
objects, leading, sustained.  
10:30:16 - State Attorney: Armstrong, Shelley  
has State's exhibit 640 marked, identified.  
10:35:05 - Judge: Horton, Joel D.  
admonishes the jury for the first recess.  
10:35:54 - Operator  
Stop recording: (Off Record)  
10:51:15 - Operator  
Recording:  
10:51:15 - Record  
THORNGREN, DONNA  
10:51:16 - General:  
The jury is present.  
10:51:48 - General:  
Counsel stipulate that the jury is seated as sworn.  
10:51:59 - Judge: Horton, Joel D.  
reminds the witness of his previous oath.  
10:52:06 - Pers. Attorney: Manweiler, Mark  
begins re-cross.  
10:52:32 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibit Q, identified.  
10:55:55 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibit R, identified.  
10:57:05 - Pers. Attorney: Manweiler, Mark  
offers State's exhibit 640 and Q.  
10:57:18 - State Attorney: Armstrong, Shelley  
objects to 640 on hearsay and relevance.  
10:57:38 - Pers. Attorney: Manweiler, Mark  
responds.  
10:58:17 - Judge: Horton, Joel D.  
reviews State's exhibit 640.  
10:58:24 - State Attorney: Armstrong, Shelley  
further responds regarding 640.  
10:59:26 - State Attorney: Armstrong, Shelley  
objects to Q as well.  
10:59:39 - Judge: Horton, Joel D.  
overrules the objection to 640, admits State's exhibit 640.  
10:59:48 - Judge: Horton, Joel D.  
reviews defense exhibit Q.  
10:59:55 - State Attorney: Armstrong, Shelley  
objects as to foundation and incomplete.  
11:00:09 - Pers. Attorney: Manweiler, Mark  
responds.  
11:00:42 - State Attorney: Armstrong, Shelley  
questions in aid of objection.  
11:02:02 - State Attorney: Armstrong, Shelley  
continues objection.  
11:02:06 - Pers. Attorney: Manweiler, Mark

000373

11:02:07 - Judge: Horton, Joel D.  
refuses the offer at this time.

11:02:47 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibit S, identified.

11:03:13 - State Attorney: Armstrong, Shelley  
objects, facts no in evidence.

11:03:28 - Pers. Attorney: Manweiler, Mark  
responds.

11:03:30 - Judge: Horton, Joel D.  
overrules the objection.

11:04:23 - Pers. Attorney: Manweiler, Mark  
renews the offer for Q.

11:04:31 - State Attorney: Armstrong, Shelley  
indicates same objection, questions in aid of objection.

11:04:56 - Judge: Horton, Joel D.  
sustains the objection, gives the reason for the Court's ruling.

11:05:33 - State Attorney: Armstrong, Shelley

11:05:38 - General:  
There is nothing further, the witness is excused.

11:05:47 - State Attorney: Armstrong, Shelley  
calls JIM BEVIS.

11:05:51 - Pers. Attorney: Manweiler, Mark  
requests to take up a matter outside the presence of the jury.

11:06:02 - Judge: Horton, Joel D.  
admonishes the jury.

11:06:49 - General:  
The jury is not present.

11:06:55 - Pers. Attorney: Manweiler, Mark  
objects to testimony by witness Bevis.

11:08:50 - Pers. Attorney: Manweiler, Mark  
objects as to relevance.

11:09:33 - Pers. Attorney: Manweiler, Mark  
objects as to hearsay.

11:10:35 - Judge: Horton, Joel D.  
questions Mr. Manweiler re: addressing evidentiary matters on our time and

11:10:51 - Judge: Horton, Joel D.  
not the jury's time.

11:10:55 - Judge: Horton, Joel D.

11:11:06 - Pers. Attorney: Manweiler, Mark  
responds.

11:11:27 - State Attorney: Armstrong, Shelley  
responds.

11:13:51 - Pers. Attorney: Manweiler, Mark  
replies.

11:14:25 - Judge: Horton, Joel D.  
sustains the relevance objection.

11:15:36 - State Attorney: Armstrong, Shelley  
responds further regarding testimony from Bevis.

11:15:53 - Pers. Attorney: Manweiler, Mark  
objects as to relevance.

11:15:57 - State Attorney: Armstrong, Shelley  
replies.

11:16:07 - Judge: Horton, Joel D.  
will permit limited testimony as to equitable distribution,  
but significant

000374

11:16:24 - Judge: Horton, Joel D.  
foundation must be laid.

11:16:35 - Judge: Horton, Joel D.  
overrules the objection.

11:16:40 - State Attorney: Armstrong, Shelley  
indicates will question as to child support.

11:16:52 - Pers. Attorney: Manweiler, Mark  
indicates same objection.

11:16:56 - Judge: Horton, Joel D.  
sustains the objection.

11:17:06 - Judge: Horton, Joel D.  
discusses the Court's ruling.

11:17:48 - State Attorney: Armstrong, Shelley  
will not call Mr. Bevis at this time.

11:18:31 - Judge: Horton, Joel D.  
questions Mr. Manweiler and he responds.

11:19:05 - General:  
The jury is present.

11:19:08 - General:  
Counsel stipulate that the jury is seated as sworn.

11:19:35 - State Attorney: Armstrong, Shelley  
calls KAREN RANEY, sworn by the clerk.

11:19:55 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:26:54 - Pers. Attorney: Manweiler, Mark  
reserves questioning for defense case.

11:27:04 - General:  
There is nothing further, the witness steps down.

11:27:13 - State Attorney: Armstrong, Shelley  
calls KEITH STEIGER, sworn by the clerk.

11:31:43 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:32:38 - Pers. Attorney: Manweiler, Mark  
has the witness view a document.

11:34:54 - State Attorney: Armstrong, Shelley  
objects, relevance, sustained.

11:37:11 - State Attorney: Armstrong, Shelley  
begins re-direct.

11:37:37 - General:  
There is nothing further, the witness is excused.

11:37:49 - State Attorney: Armstrong, Shelley  
requests to enter some exhibits.

11:38:01 - State Attorney: Armstrong, Shelley  
moves 641 (list and receipts from interview).

11:38:38 - Pers. Attorney: Manweiler, Mark  
stipulates.

11:38:55 - Judge: Horton, Joel D.  
admits 641.

11:39:04 - State Attorney: Armstrong, Shelley  
has a replacement 135 for the Court.

11:40:27 - Pers. Attorney: Manweiler, Mark  
no objection.

11:40:30 - Judge: Horton, Joel D.  
admits State's exhibit 135 (substituted).

11:40:53 - State Attorney: Armstrong, Shelley  
offers State's exhibit 106, no objection, admitted.

11:41:08 - State Attorney: Armstrong, Shelley  
offers 152, police report.

000375

11:41:23 - Pers. Attorney: Manweiler, Mark  
no objection, admitted.

11:41:35 - State Attorney: Armstrong, Shelley  
offers State's exhibit 145, no objection, admitted.

11:42:06 - State Attorney: Armstrong, Shelley  
calls DETECTIVE JOE MILLER, sworn by the clerk.

11:42:29 - State Attorney: Armstrong, Shelley  
begins direct examination.

11:43:22 - State Attorney: Armstrong, Shelley  
has the witness review a document.

11:44:50 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

11:45:50 - General:  
There is nothing further, the witness steps down.

11:46:27 - State Attorney: Armstrong, Shelley  
offers State's exhibit 115 and 116.

11:47:20 - Pers. Attorney: Manweiler, Mark  
no objection.

11:47:24 - State Attorney: Armstrong, Shelley  
admits State's exhibits 115 and 116.

11:47:29 - Judge: Horton, Joel D.

11:47:30 - State Attorney: Armstrong, Shelley  
offers State's exhibit 171, no objection, admitted.

11:48:54 - State Attorney: Armstrong, Shelley  
questions as to 612.

11:49:19 - State Attorney: Armstrong, Shelley  
offers State's exhibit 405.

11:51:38 - Pers. Attorney: Manweiler, Mark  
no objection.

11:51:43 - Judge: Horton, Joel D.  
admits 405.

11:51:51 - State Attorney: Armstrong, Shelley  
indicates the State rests.

11:51:56 - Judge: Horton, Joel D.  
admonishes the jury for the weekend.

11:52:53 - General:  
The jury leaves the courtroom.

11:53:11 - General:  
The jury is not present.

11:53:21 - Pers. Attorney: Manweiler, Mark  
requests a recess.

11:53:27 - Operator  
Stop recording: (Off Record)

11:58:05 - Operator  
Recording:

11:58:05 - Record  
THORNGREN, DONNA

11:58:05 - General:  
The jury is not present.

11:58:20 - Pers. Attorney: Manweiler, Mark  
moves for a judgment of acquittal pursuant to Rule 29.

12:00:44 - State Attorney: Armstrong, Shelley  
responds.

12:08:16 - Judge: Horton, Joel D.  
questions Ms. Armstrong re: allegations in the indictment re  
: supplying a  
12:08:29 - Judge: Horton, Joel D.  
firearm to another.

000376

12:08:33 - State Attorney: Armstrong, Shelley  
responds.  
12:09:09 - Judge: Horton, Joel D.  
further questions re: evidence that the defendant provided t  
he weapon to  
12:09:23 - Judge: Horton, Joel D.  
another.  
12:09:24 - State Attorney: Armstrong, Shelley  
responds.  
12:10:56 - Judge: Horton, Joel D.  
notes the paradox the Court must confront.  
12:11:45 - Judge: Horton, Joel D.  
12:12:03 - Judge: Horton, Joel D.  
questions how the Court can send to the jury on both theorie  
s and Ms.  
12:12:15 - Judge: Horton, Joel D.  
Armstrong responds.  
12:12:38 - Pers. Attorney: Manweiler, Mark  
replies.  
12:21:12 - Judge: Horton, Joel D.  
will take under advisement, will have counsel return at 4:00  
p.m.  
12:21:24 - Pers. Attorney: Manweiler, Mark  
indicates no other motions.  
12:21:50 - Operator  
Stop recording:

Case ID: 0005

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Previous audio and annotations can be found in case: 0001.  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

16:12:29 - Operator  
Recording:  
16:12:29 - Recall  
THORNGREN, DONNA  
16:12:32 - General:  
The jury is not present, the defendant is present, on bond.  
16:13:15 - Judge: Horton, Joel D.  
16:13:21 - Judge: Horton, Joel D.  
takes up the ruling on the defendant's motion for judgment o  
f acquittal.  
16:13:33 - Judge: Horton, Joel D.  
discusses the standard of review.  
16:15:13 - Judge: Horton, Joel D.  
discusses the indictment and the Rule 29 standard.  
16:15:38 - Judge: Horton, Joel D.  
indicates there is not substantial evidence for the aid and

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abet theory in  
16:15:53 - Judge: Horton, Joel D.  
the indictment.  
16:16:23 - Judge: Horton, Joel D.  
indicates the jurors could not help but have a reasonable do  
ubt as to the aid  
16:16:34 - Judge: Horton, Joel D.  
and abet portion of the indictment.  
16:16:39 - Judge: Horton, Joel D.  
grants a judgment of acquittal as to the aid and abet portion  
of the  
16:16:56 - Judge: Horton, Joel D.  
indictment.  
16:16:57 - Judge: Horton, Joel D.  
discusses the portion of the indictment as to whether the de  
fendant committed  
16:17:14 - Judge: Horton, Joel D.  
the murder herself.  
16:20:01 - Judge: Horton, Joel D.  
will not explain the reason behind the ruling.  
16:20:36 - Judge: Horton, Joel D.  
does not want to suggest inferences for the State's theory.  
16:20:51 - Judge: Horton, Joel D.  
notes an appellate court would need to independently review  
the record to  
16:21:05 - Judge: Horton, Joel D.  
make a decision.  
16:21:06 - Judge: Horton, Joel D.  
finds substantial circumstantial evidence that a finder of f  
act could find  
16:21:21 - Judge: Horton, Joel D.  
the defendant murdered the victim.  
16:21:28 - Judge: Horton, Joel D.  
denies the motion for judgment of acquittal as to the first p  
ortion of the  
16:21:39 - Judge: Horton, Joel D.  
indictment.  
16:21:42 - Judge: Horton, Joel D.  
discusses next weeks schedule.  
16:21:48 - Judge: Horton, Joel D.  
indicates the jury will not be receiving video tapes or audi  
o tapes in the  
16:22:06 - Judge: Horton, Joel D.  
jury room.  
16:22:09 - Judge: Horton, Joel D.  
discusses an unpublished 9th circuit opinion.  
16:22:18 - Judge: Horton, Joel D.  
indicates will need to bring into open court and listen to t  
he entirety of  
16:22:29 - Judge: Horton, Joel D.  
the audio/video.  
16:22:42 - Operator  
Stop recording:

000378



Session: Horton082707  
Session Date: 2007/08/27  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 08:25

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/27

08:58:52 - Operator  
Recording:  
08:58:52 - New case  
THORNGREN, DONNA  
08:59:08 - General:  
The defendant is present, on bond.  
08:59:13 - General:  
The jury is present.  
08:59:30 - General:  
Counsel stipulate the jury is seated as sworn.  
08:59:42 - Pers. Attorney: Manweiler, Mark  
calls MICHELLE WOODWARD, sworn by the clerk.  
09:00:31 - Pers. Attorney: Manweiler, Mark  
begins direct examination.  
09:02:53 - State Attorney: Armstrong, Shelley  
objects, foundation, sustained.  
09:04:05 - State Attorney: Armstrong, Shelley  
objects, hearsay, sustained.  
09:04:31 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds.  
09:04:38 - Judge: Horton, Joel D.  
admits the statement for a limited purpose, instructs the jury.  
09:08:42 - State Attorney: Armstrong, Shelley

000379

objects, hearsay and foundation, sustained.  
09:09:11 - State Attorney: Armstrong, Shelley  
objects, foundation, sustained.  
09:10:03 - State Attorney: Armstrong, Shelley  
objects, foundation, Mr. Manweiler will lay further foundati  
on.  
09:11:36 - State Attorney: Armstrong, Shelley  
objects, non-responsive, sustained.  
09:12:05 - State Attorney: Armstrong, Shelley  
objects, non-responsive, sustained.  
09:17:27 - State Attorney: Armstrong, Shelley  
has the witness view defense exhibits T, U, V, W, X,, Y and  
Z, identified.  
09:18:34 - State Attorney: Armstrong, Shelley  
offers defebse exhibits T-Z for illustrative purposes.  
09:18:48 - State Attorney: Armstrong, Shelley  
objects, notes the size of the bushes is at issue.  
09:18:57 - State Attorney: Armstrong, Shelley  
indicates not relevant or probative.  
09:19:27 - Judge: Horton, Joel D.  
overrules the objection, indicates only to show the location  
not the size,  
09:19:38 - Judge: Horton, Joel D.  
admits State's exhibits T-Z.  
09:26:03 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds.  
09:26:13 - General:  
Counsel approach the bench.  
09:26:32 - Judge: Horton, Joel D.  
overrules the objection.  
09:26:51 - State Attorney: Armstrong, Shelley  
objects, hearsay, withdrawn.  
09:27:36 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds, overruled.  
09:35:04 - State Attorney: Armstrong, Shelley  
objects, leading, Mr. Manweiler will re-phrase.  
09:37:29 - State Attorney: Armstrong, Shelley  
objects, foundation, overruled.  
09:45:47 - State Attorney: Armstrong, Shelley  
objects, foundation, overruled.  
09:48:36 - State Attorney: Armstrong, Shelley  
objects, foundation and relevance, Mr. Manweiler responds.  
09:48:46 - Judge: Horton, Joel D.  
overrules the objection.  
09:49:32 - State Attorney: Armstrong, Shelley  
begins cross-examination.  
09:50:47 - Pers. Attorney: Manweiler, Mark  
objects, mis-states the testimony, sustained as argumentativ  
e.  
09:56:52 - Pers. Attorney: Manweiler, Mark  
objects, relevance and outside the scope, Ms. Armstrong resp  
onds.  
09:57:07 - Judge: Horton, Joel D.  
sustains as to the last question.  
10:02:41 - Pers. Attorney: Manweiler, Mark  
objects, mis-states the testimony, sustained.  
10:09:43 - Pers. Attorney: Manweiler, Mark  
objects, mis-states the testimony, overruled.

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10:10:08 - State Attorney: Armstrong, Shelley  
has the reporter read back the last question before the objection.

10:10:55 - Pers. Attorney: Manweiler, Mark  
objects, argumentative and speculative, overruled.

10:31:31 - Plaintiff Attorney:

10:31:32 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:32:21 - Operator  
Stop recording: (Off Record)

10:47:00 - Operator  
Recording:

10:47:00 - Record  
THORNGREN, DONNA

10:47:09 - General:  
The jury is present.

10:47:27 - General:  
Counsel stipulate the jury is seated as sworn.

10:47:39 - Judge: Horton, Joel D.  
reminds the witness of her previous oath.

10:47:44 - State Attorney: Armstrong, Shelley  
resumes cross-examination.

10:50:58 - Pers. Attorney: Manweiler, Mark  
objects to the form of the question, sustained.

11:00:55 - Pers. Attorney: Manweiler, Mark

11:02:57 - Pers. Attorney: Manweiler, Mark  
objection, sustained.

11:03:02 - Pers. Attorney: Manweiler, Mark  
objection, sustained.

11:04:15 - Pers. Attorney: Manweiler, Mark  
begins re-direct.

11:06:01 - State Attorney: Armstrong, Shelley  
begins re-cross.

11:08:56 - Pers. Attorney: Manweiler, Mark  
objection, outside the scope, Ms. Armstrong responds.

11:09:10 - Judge: Horton, Joel D.  
sustains the objection.

11:09:18 - Pers. Attorney: Manweiler, Mark  
begins re-direct.

11:09:27 - General:  
There is nothing further, the witness steps down, subject to recall.

11:09:38 - Pers. Attorney: Manweiler, Mark  
calls MIKE WOODWARD, sworn by the clerk.

11:10:39 - Pers. Attorney: Manweiler, Mark  
begins direct examination.

11:13:40 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibit AA, identified.

11:14:30 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit AA, no objection, admitted.

11:26:51 - State Attorney: Armstrong, Shelley  
begins cross-examination.

11:29:10 - Pers. Attorney: Manweiler, Mark  
objects, mis-states the evidence, overruled.

11:44:18 - Pers. Attorney: Manweiler, Mark  
objects, outside the scope, sustained.

11:55:18 - Pers. Attorney: Manweiler, Mark  
begins re-direct.

000381

11:56:12 - General:  
There is nothing further, the witness steps down, subject to recall.

11:56:22 - Pers. Attorney: Manweiler, Mark  
calls JENNIFER MAURER, sworn by the clerk.

11:57:27 - Pers. Attorney: Manweiler, Mark  
begins direct examination.

12:02:19 - Other: Medema, Jonathan  
begins cross-examination.

12:07:59 - Other: Medema, Jonathan  
has the witness view State's exhibits 160 and 160a. (State's 160 is not in evidence).

12:08:27 - Other: Medema, Jonathan  
evidence).

12:10:36 - Pers. Attorney: Manweiler, Mark  
objects, argumentative and speculative.

12:13:00 - General:  
There is nothing further, the witness is excused.

12:13:11 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:13:23 - Operator  
Stop recording: (Off Record)

12:29:37 - Operator  
Recording:

12:29:37 - Record  
THORNGREN, DONNA

12:30:10 - General:  
The jury is present.

12:30:37 - General:  
Counsel stipulate the jury is seated as sworn.

12:30:48 - Pers. Attorney: Manweiler, Mark  
calls ALAN WHITE, sworn by the clerk.

12:31:43 - Pers. Attorney: Manweiler, Mark  
begins direct examination.

12:37:12 - State Attorney: Armstrong, Shelley  
begins cross-examination.

12:43:19 - State Attorney: Armstrong, Shelley  
requests the people in the front row be admonished not to talk as it

12:43:41 - State Attorney: Armstrong, Shelley  
distracts her prosecutor.

12:43:44 - Judge: Horton, Joel D.  
admonishes the people in the first row that they will be excused if talking

12:43:58 - Judge: Horton, Joel D.  
continues.

12:44:01 - Pers. Attorney: Manweiler, Mark  
objects, sustained.

12:44:32 - Pers. Attorney: Manweiler, Mark  
begins re-direct.

12:44:44 - General:  
There is nothing further, the witness is excused.

12:44:52 - Pers. Attorney: Manweiler, Mark  
calls ANGIE YOUNG, sworn by the clerk.

12:45:44 - Pers. Attorney: Manweiler, Mark  
begins direct examination.

12:54:22 - State Attorney: Armstrong, Shelley  
begins cross-examination.

000382

12:58:26 - Pers. Attorney: Manweiler, Mark  
objects, let the witness answer, sustained.

13:07:20 - Pers. Attorney: Manweiler, Mark  
begins re-direct.

13:09:31 - State Attorney: Armstrong, Shelley  
begins re-cross.

13:09:56 - General:  
There is nothing further, the witness is excused.

13:10:04 - Pers. Attorney: Manweiler, Mark  
calls KAREN WRIGHT, sworn by the clerk.

13:10:55 - Pers. Attorney: Manweiler, Mark  
begins direct examination.

13:16:31 - State Attorney: Armstrong, Shelley  
begins cross-examination.

13:26:32 - General:  
There is nothing further, the witness is excused.

13:26:40 - Pers. Attorney: Manweiler, Mark  
calls EILEEN BREEDING, sworn by the clerk.

13:27:40 - Pers. Attorney: Manweiler, Mark  
begins direct examination.

13:33:55 - State Attorney: Armstrong, Shelley  
objects, hearsay, overruled.

13:34:19 - State Attorney: Armstrong, Shelley  
objects, hearsay, withdrawn.

13:42:35 - State Attorney: Armstrong, Shelley  
begins cross-examination.

13:43:29 - Pers. Attorney: Manweiler, Mark  
objects, improper cross, sustained.

13:44:53 - Pers. Attorney: Manweiler, Mark  
objects, not correct question, overruled.

13:48:43 - Pers. Attorney: Manweiler, Mark  
objects to the form, overruled.

13:50:49 - Pers. Attorney: Manweiler, Mark  
objects, compound, sustained.

13:52:22 - Pers. Attorney: Manweiler, Mark  
begins re-direct.

13:53:10 - State Attorney: Armstrong, Shelley  
begins re-direct.

13:53:40 - General:  
There is nothing further, the witness is excused.

13:53:47 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess, notes the schedule for the week.

13:54:24 - General:  
The jury leaves the courtroom.

13:54:47 - General:  
The jury is not present.

13:54:59 - State Attorney: Armstrong, Shelley  
argues regarding the defense calling witness Dominique Russell.

13:55:56 - State Attorney: Armstrong, Shelley  
indicates the witness will be called for an improper purpose.

13:56:19 - State Attorney: Armstrong, Shelley  
objects as to double hearsay, requests the witness not be allowed to testify.

13:56:34 - Pers. Attorney: Manweiler, Mark  
responds to the State's objection.

000383

13:58:09 - State Attorney: Armstrong, Shelley  
responds.  
13:59:26 - State Attorney: Armstrong, Shelley  
argues as to the limited probative value.  
14:00:39 - Pers. Attorney: Manweiler, Mark  
replies.  
14:00:51 - Judge: Horton, Joel D.  
14:01:08 - Judge: Horton, Joel D.  
overrules the objection.  
14:01:31 - Judge: Horton, Joel D.  
indicates admissable under rule 613(b).  
14:01:45 - Judge: Horton, Joel D.  
indicates the jury will receive a limiting instruction.  
14:02:06 - State Attorney: Armstrong, Shelley  
will contact the clerk if the State has further issues.  
14:02:24 - Judge: Horton, Joel D.  
notes this Court is covering drug court on Tuesday and Wedne  
sday.  
14:02:38 - Judge: Horton, Joel D.  
notes 8:15 a.m. on Thursday may be the only time possible.  
14:02:58 - Operator  
Stop recording:

000384

NO. \_\_\_\_\_ FILED \_\_\_\_\_  
A.M. \_\_\_\_\_ P.M. 12:35

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Idaho State Bar No. 3104

AUG 30 2007  
DAVID NAVARRO, Clerk  
*[Signature]*

ATTORNEYS FOR DEFENDANT  
DONNA KAY THORNGREN

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	
	)	Case No. H0600792
Plaintiff,	)	
	)	<b>EVIDENTIARY STIPULATION</b>
vs.	)	
	)	
DONNA KAY THORNGREN and	)	
AUSTIN DONOVAN THORNGREN,	)	
	)	
Defendants.	)	
_____	)	

COME NOW, the above named parties, by and through their  
respective attorneys of record, and hereby stipulate and agree  
that the following facts are true:

1. On January 13, 2003, Glen Grobin, M.D. estimated Curt  
Thorngren's body weight to be 150 pounds.

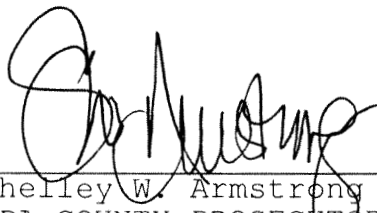
2. On January 13, 2003 Meridian Police Department  
Detective Craig Fawley drove from Broadway Baptist Church in  
Boise, Idaho to 573 Longford in Meridian, Idaho, a distance of

000385

13.8 miles. Officer Fawley drove this route in 20 minutes and 15 seconds at the posted speed limit with light traffic and no construction delays.

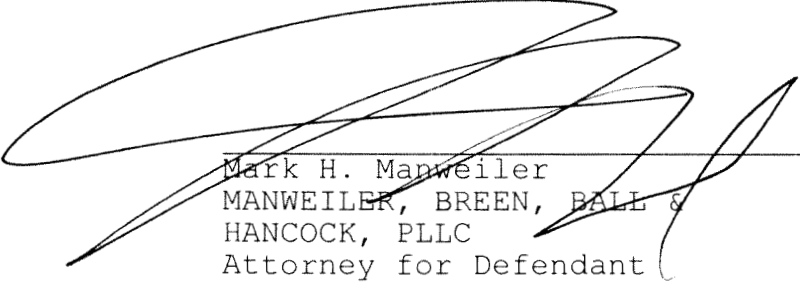
3. On January 13, 2003, Meridian Police Department Detective Craig Fawley compared the time stamp on the cash register at Taco Bell at 645 South Main Street in Meridian, Idaho to the actual time provided by Ada County Dispatch. The time stamp on the Taco Bell cash register was 10:41 a.m. which was six (6) minutes slower than the actual time of 10:47 a.m. given by Ada County Dispatch.

IT IS SO STIPULATED AND AGREED this 23<sup>rd</sup> day of August, 2007.



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Shelley W. Armstrong  
ADA COUNTY PROSECUTOR'S OFFICE  
Attorneys for Plaintiff



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Mark H. Manweiler  
MANWEILER, BREEN, BALL &  
HANCOCK, PLLC  
Attorney for Defendant

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Session: Horton083007  
Session Date: 2007/08/30  
Judge: Horton, Joel D.  
Reporter: Starr, Vanessa

Division: DC  
Session Time: 07:44

Courtroom: CR501

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/30

08:57:03 - Operator  
Recording:  
08:57:03 - New case  
THORNGREN, DONNA  
08:57:21 - General:  
The defendant is present, on bond.  
08:57:29 - General:  
Counsel stipulate the jury is seated as sworn.  
08:57:36 - Pers. Attorney: Manweiler, Mark  
has an evidentiary stipulation between the parties.  
08:58:06 - Judge: Horton, Joel D.  
indicates to the jury that certain facts are true.  
08:58:39 - Judge: Horton, Joel D.  
reads the stipulation to the jury.  
08:59:21 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit BB (redacted version of Jeanne Grange  
r's GJ  
08:59:39 - Pers. Attorney: Manweiler, Mark  
testimony).  
08:59:40 - Pers. Attorney: Manweiler, Mark  
offers CC, a redacted version of Tuskey's GJ testimony.  
09:00:08 - Other: Medema, Jonathan  
no objection to BB.  
09:00:43 - Judge: Horton, Joel D.

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admits defense exhibit BB.  
09:01:08 - State Attorney: Armstrong, Shelley  
indicates no objection to CC.  
09:01:12 - Judge: Horton, Joel D.  
admits defense exhibit CC.  
09:03:05 - Pers. Attorney: Manweiler, Mark  
publishes defense exhibit CC and DD.  
09:06:40 - Pers. Attorney: Manweiler, Mark  
calls DOMINIQUE RUSSELL, sworn by the clerk.  
09:07:36 - Pers. Attorney: Manweiler, Mark  
begins direct examination.  
09:10:05 - State Attorney: Armstrong, Shelley  
begins cross examination.  
09:10:16 - State Attorney: Armstrong, Shelley  
requests a limiting instruction.  
09:10:21 - Judge: Horton, Joel D.  
gives the limiting instruction to the jury.  
09:13:36 - Pers. Attorney: Manweiler, Mark  
objects, asked and answered, overruled.  
09:14:32 - Pers. Attorney: Manweiler, Mark  
objects, asked and answered, sustained.  
09:17:14 - Pers. Attorney: Manweiler, Mark  
objects, asked and answered, sustained.  
09:18:07 - Pers. Attorney: Manweiler, Mark  
begins re-direct.  
09:18:16 - General:  
There is nothing further, the witness is excused.  
09:18:30 - Pers. Attorney: Manweiler, Mark  
calls KAREN RANEY, sworn by the clerk.  
09:19:21 - Pers. Attorney: Manweiler, Mark  
begins direct examination.  
09:23:34 - State Attorney: Armstrong, Shelley  
objects, unresponsive, sustained.  
09:28:56 - State Attorney: Armstrong, Shelley  
begins cross-examination.  
09:35:21 - Pers. Attorney: Manweiler, Mark  
objects, outside the scope of direct, Ms. Armstrong responds  
09:35:39 - Judge: Horton, Joel D.  
sustains the objection.  
09:35:48 - Pers. Attorney: Manweiler, Mark  
same objection, overruled.  
09:36:32 - Pers. Attorney: Manweiler, Mark  
begins re-direct.  
09:36:56 - General:  
There is nothing further, the witness is excused.  
09:37:06 - Pers. Attorney: Manweiler, Mark  
calls PAULA WOODWARD, sworn by the clerk.  
09:38:07 - Pers. Attorney: Manweiler, Mark  
begins direct examination.  
09:46:11 - State Attorney: Armstrong, Shelley  
objects, leading, sustained.  
09:53:10 - State Attorney: Armstrong, Shelley  
objects, leading, sustained.  
09:53:52 - State Attorney: Armstrong, Shelley  
objects, leading, sustained.  
09:56:19 - State Attorney: Armstrong, Shelley  
begins cross-examination.

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10:01:09 - Pers. Attorney: Manweiler, Mark  
objects, foundation and lack of knowledge, sustained as to the form of the

10:01:19 - Pers. Attorney: Manweiler, Mark  
question.

10:03:14 - Pers. Attorney: Manweiler, Mark  
objects, argumentative, sustained.

10:13:32 - Pers. Attorney: Manweiler, Mark  
objects, assumes facts no in evidence, sustained.

10:20:51 - Pers. Attorney: Manweiler, Mark  
objects, irrelevant and outside the scope, sustained.

10:21:11 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

10:21:28 - Operator  
Stop recording: (Off Record)

10:39:18 - Operator  
Recording:

10:39:18 - Record  
THORNGREN, DONNA

10:39:25 - General:  
The jury is present.

10:39:56 - General:  
Counsel stipulate the jury is seated as sworn.

10:40:03 - Judge: Horton, Joel D.  
reminds the witness of her previous oath.

10:40:09 - State Attorney: Armstrong, Shelley  
indicates no further questions.

10:40:16 - Pers. Attorney: Manweiler, Mark  
begins re-direct.

10:41:16 - State Attorney: Armstrong, Shelley  
begins re-cross.

10:46:35 - General:  
There is nothing further, the witness is subject to recall.

10:46:57 - Pers. Attorney: Manweiler, Mark  
calls ALICE VETTER, sworn by the clerk.

10:47:56 - Pers. Attorney: Manweiler, Mark  
begins direct examination.

10:49:41 - State Attorney: Armstrong, Shelley  
objects, non-responsive, sustained.

10:52:37 - Pers. Attorney: Manweiler, Mark  
has the witness view State's exhibit 313, identified.

11:00:28 - State Attorney: Armstrong, Shelley  
begins cross-examination.

11:01:15 - Pers. Attorney: Manweiler, Mark  
objects, not competent to say what is in another person's mind, sustained as

11:01:33 - Pers. Attorney: Manweiler, Mark  
to the form of the question.

11:01:51 - Pers. Attorney: Manweiler, Mark  
objects, assumes facts no in evidence, sustained.

11:02:05 - Pers. Attorney: Manweiler, Mark  
same objection, overruled.

11:02:44 - Pers. Attorney: Manweiler, Mark  
objects, assumes facts no in evidence, overruled.

11:03:03 - Pers. Attorney: Manweiler, Mark  
same objection, overruled.

11:03:23 - Pers. Attorney: Manweiler, Mark  
same objection, overruled.

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11:06:00 - Pers. Attorney: Manweiler, Mark  
objects, relevance, Ms. Armstrong responds, sustained.  
11:06:27 - Pers. Attorney: Manweiler, Mark  
objects, relevance, Ms. Armstrong responds, sustained.  
11:07:32 - Pers. Attorney: Manweiler, Mark  
objects, argumentative, sustained.  
11:09:10 - Pers. Attorney: Manweiler, Mark  
objects to the form of the question, sustained.  
11:16:06 - Pers. Attorney: Manweiler, Mark  
11:16:08 - General:  
There is nothing further, the witness is excused.  
11:16:16 - Pers. Attorney: Manweiler, Mark  
calls AMBER WHITMORE, sworn by the clerk.  
11:17:02 - Pers. Attorney: Manweiler, Mark  
begins direct examination.  
11:19:33 - State Attorney: Armstrong, Shelley  
objects, foundation, overruled.  
11:20:51 - State Attorney: Armstrong, Shelley  
objects, foundation, sustained.  
11:26:21 - State Attorney: Armstrong, Shelley  
objects, leading, sustained.  
11:26:42 - State Attorney: Armstrong, Shelley  
objects, hearsay.  
11:31:12 - State Attorney: Armstrong, Shelley  
objects, foundation, sustained.  
11:34:02 - State Attorney: Armstrong, Shelley  
objects, hearsay, overruled.  
11:34:19 - State Attorney: Armstrong, Shelley  
objects, non-responsive, sustained.  
11:35:31 - State Attorney: Armstrong, Shelley  
objects, speculation, overruled.  
11:36:03 - State Attorney: Armstrong, Shelley  
objects, leading, sustained.  
11:38:34 - State Attorney: Armstrong, Shelley  
objects, foundation, sustained.  
11:38:47 - State Attorney: Armstrong, Shelley  
objects, foundation and hearsay, hearsay objection sustained  
11:41:56 - State Attorney: Armstrong, Shelley  
objects, foundation, sustained.  
11:46:18 - State Attorney: Armstrong, Shelley  
objects, hearsay, overruled.  
11:46:26 - State Attorney: Armstrong, Shelley  
objection, hearsay, sustained as to a form of the question.  
11:46:38 - State Attorney: Armstrong, Shelley  
objection, hearsay, sustained outside further foundation.  
11:47:04 - State Attorney: Armstrong, Shelley  
objects, hearsay, overruled instructs the jury.  
11:47:33 - State Attorney: Armstrong, Shelley  
objection, double hearsay, overruled notes admitted for a limited purpose.  
11:53:17 - State Attorney: Armstrong, Shelley  
objects, leading, overruled.  
11:57:09 - State Attorney: Armstrong, Shelley  
begins cross-examination.  
11:59:22 - Pers. Attorney: Manweiler, Mark  
objects, assumes facts no in evidence, sustained.  
11:59:31 - Judge: Horton, Joel D.

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directs the jury regarding questions that assume facts not in evidence.

12:14:42 - Judge: Horton, Joel D.  
admonishes the jury for a recess.

12:15:02 - Operator  
Stop recording: (Off Record)

12:15:39 - Operator  
Recording:

12:15:39 - Record  
THORNGREN, DONNA

12:15:41 - General:  
The jury is not present.

12:15:47 - Other: Medema, Jonathan  
indicates the defense has indicated they will call detectives to discuss

12:16:11 - Other: Medema, Jonathan  
statements, has evidentiary objections.

12:16:21 - Judge: Horton, Joel D.  
questions Mr. Medema who indicates who received the list yesterday afternoon.

12:16:54 - Other: Medema, Jonathan  
provides the Court with a copy of the list.

12:17:07 - Pers. Attorney: Manweiler, Mark  
indicates this is Ms. Armstrong's typewritten notes.

12:17:28 - Judge: Horton, Joel D.  
will take up at 8:15 a.m. tomorrow morning.

12:17:53 - Operator  
Stop recording: (Off Record)

12:33:17 - Operator  
Recording:

12:33:17 - Record  
THORNGREN, DONNA

12:33:18 - General:  
The jury is present.

12:33:35 - General:  
Counsel stipulate the jury is seated as sworn.

12:33:43 - Judge: Horton, Joel D.  
reminds the witness of her previous oath.

12:33:50 - State Attorney: Armstrong, Shelley  
resumes cross-examination.

12:53:39 - Pers. Attorney: Manweiler, Mark  
begins re-direct.

12:55:34 - State Attorney: Armstrong, Shelley  
begins re-cross.

12:57:08 - Pers. Attorney: Manweiler, Mark  
objects, improper question.

12:57:17 - State Attorney: Armstrong, Shelley  
requests to approach.

12:57:22 - Judge: Horton, Joel D.  
allows counsel to approach.

12:57:44 - General:  
There is nothing further, the witness steps down, subject to recall.

12:57:55 - Pers. Attorney: Manweiler, Mark  
calls OFFICER MARK TAYLOR, sworn by the clerk.

12:58:39 - Pers. Attorney: Manweiler, Mark  
begins direct examination.

13:01:04 - Other: Medema, Jonathan

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objects, hearsay, withdrawn.  
13:02:11 - Other: Medema, Jonathan  
begins cross-examination.  
13:07:30 - Pers. Attorney: Manweiler, Mark  
begins re-direct.  
13:07:56 - General:  
There is nothing further, the witness is excused.  
13:08:03 - Pers. Attorney: Manweiler, Mark  
calls ANALISA JUAREZ, sworn by the clerk.  
13:08:53 - Pers. Attorney: Manweiler, Mark  
begins direct examination.  
13:09:40 - Pers. Attorney: Manweiler, Mark  
has defense exhibit DD and EEmarked and shown to the witness  
, identified.  
13:12:16 - Pers. Attorney: Manweiler, Mark  
offers defense exhibits DD and EE, no objection, admitted.  
13:13:46 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds.  
13:13:55 - Judge: Horton, Joel D.  
directs the jury, notes the limited purpose.  
13:20:28 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds, overruled.  
13:21:48 - State Attorney: Armstrong, Shelley  
objects, leading, sustained.  
13:25:36 - State Attorney: Armstrong, Shelley  
objects, hearsay, Mr. Manweiler responds.  
13:25:42 - Judge: Horton, Joel D.  
directs the jury regarding the limited purpose of the testim  
ony.  
13:25:55 - State Attorney: Armstrong, Shelley  
objects, foundation, overruled.  
13:31:53 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibit R, identified.  
13:33:05 - State Attorney: Armstrong, Shelley  
objects, leading, counsel will re-phrase.  
13:33:14 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit R, objection as to relevance.  
13:33:22 - Judge: Horton, Joel D.  
reviews defense exhibit R.  
13:33:34 - Judge: Horton, Joel D.  
overrules the objection, admits defense exhibit R.  
13:34:36 - State Attorney: Armstrong, Shelley  
begins cross-examination.  
13:39:25 - Pers. Attorney: Manweiler, Mark  
objects, argumentative and misleading, overruled.  
13:40:09 - Pers. Attorney: Manweiler, Mark  
objects, requests the witness view the exhibit, overruled.  
13:55:43 - Pers. Attorney: Manweiler, Mark  
objects, irrelevant, sustained.  
13:57:32 - Pers. Attorney: Manweiler, Mark  
objects, relevance, overruled.  
13:58:51 - Judge: Horton, Joel D.  
13:59:03 - Judge: Horton, Joel D.  
notes the Court will have to stop the trial at 1:15 p.m. tom  
orrow.  
13:59:24 - Judge: Horton, Joel D.  
admonishes the jury for the evening recess.  
13:59:51 - Other: Medema, Jonathan

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14:00:18 - General:

The jury is not present.

14:00:36 - Judge: Horton, Joel D.

gives the reasoning for the Court's earlier ruling regarding the Vetter

14:01:18 - Judge: Horton, Joel D.

testimony.

14:01:20 - Judge: Horton, Joel D.

discusses the Court's ruling re: the witnesses belief of guilt or innocence

14:01:38 - Judge: Horton, Joel D.

of the defendant.

14:02:10 - Judge: Horton, Joel D.

directs the parties to appear at 8:15 a.m. to discuss post-p roof instructions

14:02:22 - Judge: Horton, Joel D.

and evidentiary issues.

14:02:30 - Judge: Horton, Joel D.

notes instructions 22 and 23 of the proposed packet will be removed.

14:02:40 - Judge: Horton, Joel D.

will expect to address instruction #19.

14:02:48 - Judge: Horton, Joel D.

directs the attorneys to think about whether or not the alternates should be

14:03:09 - Judge: Horton, Joel D.

sequestered.

14:03:20 - Operator

Stop recording:

000393

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

JOEL D. HORTON  
DISTRICT JUDGE

August 30, 2007

MINUTE ENTRY

THE STATE OF IDAHO.

Plaintiff,

vs.

DONNA THORNGREN

Defendant.

Case No.

H0600792

Appearances:

Shelley Armstrong

Counsel for Plaintiff

Mark Manweiler

Counsel for Defendant

MINUTE ENTRY REGARDING QUESTIONS FROM THE MARSHAL'S OFFICE

The answers follow your questions. I am forwarding these questions to the attorneys so that they may interpose any objections they may have. I am copying them to my clerk so that she can add them to the record.

---

**From:** Karen Eckroat  
**Sent:** Thursday, August 30, 2007 9:51 AM  
**To:** Judge Joel Horton  
**Subject:** Thorngren J/T

Hi Judge,

I just have a few questions for you regarding the Thorngren trial.

- ❖ Are you the one to approve any emergency contact with jurors? (with the Huntsman case, it was you) Yes.
- ❖ Any approved list of books, video's? (you didn't have one with the Huntsman case) No.
- ❖ Regarding family visits, I'm assuming we won't have to deal with that, since there's no part II correct
- ❖ Will the alternates be sequestered? Have they been identified yet, or will they be identified when given to the jury? I will discuss sequestration of the alternates with the attorneys tomorrow at 815.

The alternates will not be identified until the conclusion of closing arguments and prior to the bailiffs being sworn.

- ❖ Will there be any mixing of the alternates with the main jury? No.
- ❖ If alternates are separated, may they join the main jury when the verdict is read? Yes.

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- ❖ With the Huntsman case, we had the smokers smoke on the 3<sup>rd</sup> fl. balcony during deliberations, and the entire jury did not have go out when for smoke breaks, but were admonished not to discuss the case. I'm unwilling to force non-smokers to endure second-hand smoke. I'm satisfied with an admonition that the jury may only deliberate when all jurors are present in the jury room.
- ❖ With the Huntsman case, ESPN and cable channels were allowed, but no local television. Same
- ❖ With the Huntsman case, no cell phones, pagers, computers, pda's, radio's newspapers or internet were allowed same
- ❖ With the Huntsman case, cd's cd players, books, videos, dvd's, cards, games, crafts, bibles, and books of Mormon were allowed same
- ❖ We did not remove any religious materials from the hotel, unless a juror requested it same
- ❖ I assume you will allow phone calls on Marshals phones, and monitored? same
- ❖ With the Huntsman case we set aside any alcohol and identified it with the jurors # same. just to clarify, no use of alcohol by jurors within 8 hours of or during deliberations
- ❖ Is your cell phone still: [REDACTED]? And home: [REDACTED]? yes
- ❖ Would you like the jury deliberation room re-keyed, with a key for the bailiff and yourself? nope

We will just need to know when the jury will be bringing in their baggage, so we will be prepared for them. we won't know until tomorrow. I'm still hopeful it will be 9/4

We will let you know who will be sworn in as bailiffs on the case, and provide you with cell phone contact numbers. great.

Thank you very much Judge, you're welcome. thank you.

Karen

Melanie Gagnepain  
Deputy Clerk

000395

Session: Horton083107  
Session Date: 2007/08/31  
Judge: Horton, Joel D.

Division: DC  
Session Time: 07:33

Courtroom: CR501

Reporter: *Laura Whiting*

Clerk(s):  
Gagnepain, Melanie

State Attorneys:  
Armstrong, Shelley

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: H0600792  
Plaintiff:  
Plaintiff Attorney:  
Defendant: THORNGREN, DONNA  
Co-Defendant(s):  
Pers. Attorney: Manweiler, Mark  
State Attorney: Armstrong, Shelley  
Public Defender:

2007/08/31

08:19:01 - Operator  
Recording:  
08:19:01 - New case  
THORNGREN, DONNA  
08:19:18 - General:  
The defendant is present, on bond.  
08:19:23 - General:  
The jury is not present.  
08:19:28 - Judge: Horton, Joel D.  
indicates this is the time to take up several matters.  
08:19:36 - Judge: Horton, Joel D.  
will take up the evidentiary matter first.  
08:19:48 - Other: Medema, Jonathan  
submits a document to the Court re: statements.  
08:19:58 - Other: Medema, Jonathan  
indicates the parties have agreed to everything except the 1  
ast statement.  
08:20:47 - Other: Medema, Jonathan  
indicates improper impeachment.  
08:21:45 - Pers. Attorney: Manweiler, Mark  
responds, indicates prior inconsistent statement.  
08:23:17 - Judge: Horton, Joel D.  
questions Mr. Manweiler and he responds.  
08:23:59 - Judge: Horton, Joel D.

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questions as to how the out of court statements contradict i  
n court testimony

08:24:20 - Judge: Horton, Joel D.  
and Mr. Manweiler responds.

08:24:55 - Other: Medema, Jonathan  
replies.

08:25:52 - Judge: Horton, Joel D.  
reviews exhibit 153.

08:26:10 - Operator  
Stop recording: (Off Record)

08:27:08 - Operator  
Recording:

08:27:08 - Record  
THORNGREN, DONNA

08:27:10 - Judge: Horton, Joel D.  
questions Mr. Manweiler as to who will testify.

08:27:25 - Pers. Attorney: Manweiler, Mark  
indicates Detective Miller will testify.

08:27:33 - State Attorney: Armstrong, Shelley  
agrees, if the Court rules that way.

08:27:44 - Judge: Horton, Joel D.  
permits for the purposes of impeachment, will give a limitin  
g instruction to

08:27:59 - Judge: Horton, Joel D.  
the jury.

08:28:02 - Judge: Horton, Joel D.  
discusses exhibit 153.

08:28:43 - State Attorney: Armstrong, Shelley  
notes the witness denies writing exhibit 153.

08:28:55 - Judge: Horton, Joel D.  
responds.

08:29:16 - Pers. Attorney: Manweiler, Mark  
discusses exhibits 640 and Q, requests that the Court admit  
defense exhibit

08:30:44 - Pers. Attorney: Manweiler, Mark  
Q.

08:31:30 - Pers. Attorney: Manweiler, Mark  
reoffers defense exhibit Q.

08:31:47 - State Attorney: Armstrong, Shelley  
responds and objects to the admission of defense exhibit Q.

08:33:04 - Pers. Attorney: Manweiler, Mark  
replies.

08:34:06 - Judge: Horton, Joel D.  
continues to refuse the re-offer of defense exhibit Q.

08:34:41 - Judge: Horton, Joel D.

08:34:58 - General:  
Counsel indicate no further evidentiary issues.

08:35:05 - Judge: Horton, Joel D.  
takes up the sequestration of alternate jurors.

08:35:14 - Judge: Horton, Joel D.

08:35:46 - State Attorney: Armstrong, Shelley  
requests that the alternates should be sequestered, and be s  
equestered away

08:36:15 - State Attorney: Armstrong, Shelley  
from each other as well.

08:37:20 - Pers. Attorney: Manweiler, Mark  
requests the alternates be sequestered & sequestered apart.

08:38:10 - Judge: Horton, Joel D.

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will sequester the alternates.  
08:38:21 - Judge: Horton, Joel D.  
takes up post-proof instructions.  
08:38:43 - State Attorney: Armstrong, Shelley  
08:39:46 - State Attorney: Armstrong, Shelley  
indicates no objections or additions.  
08:39:58 - Judge: Horton, Joel D.  
indicates that as to certain defense requests the Court found they were not  
08:40:13 - Judge: Horton, Joel D.  
appropriate. The Court discusses the instructions that were refused.  
08:41:26 - Pers. Attorney: Manweiler, Mark  
indicates no objection to the removal of #22 and #23, and the portion  
08:41:44 - Pers. Attorney: Manweiler, Mark  
removed from #20.  
08:41:48 - Pers. Attorney: Manweiler, Mark  
indicates the original indictment was read to the jury which includes the  
08:42:03 - Pers. Attorney: Manweiler, Mark  
language that was stricken.  
08:42:31 - Pers. Attorney: Manweiler, Mark  
suggests the jury be advised that the alternate charging language has been  
08:42:43 - Pers. Attorney: Manweiler, Mark  
stricken and cannot be a basis for a jury verdict.  
08:44:28 - Pers. Attorney: Manweiler, Mark  
discusses instruction #24.  
08:45:42 - Judge: Horton, Joel D.  
discusses instruction #24, questions as to if a willful instruction should be  
08:46:00 - Judge: Horton, Joel D.  
given as instruction #24a.  
08:46:15 - Pers. Attorney: Manweiler, Mark  
agrees with the Court.  
08:46:22 - State Attorney: Armstrong, Shelley  
questions the Court and the Court responds.  
08:47:09 - State Attorney: Armstrong, Shelley  
agrees a willful instruction is necessary.  
08:47:20 - State Attorney: Armstrong, Shelley  
responds to defense counsel's suggestion.  
08:48:03 - State Attorney: Armstrong, Shelley  
does not believe a step-down instruction is necessary.  
08:49:15 - Judge: Horton, Joel D.  
notes the aid and abet is in instruction #1.  
08:49:23 - State Attorney: Armstrong, Shelley  
requests the Court redact the aid and abet portion from instruction #1.  
08:50:26 - State Attorney: Armstrong, Shelley  
addresses the request for the modification of #20, believes the Court has  
08:50:38 - State Attorney: Armstrong, Shelley  
already adequately defined.  
08:51:39 - Pers. Attorney: Manweiler, Mark  
replies, believes #1 needs to be redacted and an explanation made.  
08:52:12 - Pers. Attorney: Manweiler, Mark

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further responds regarding instruction #20.  
08:53:13 - Judge: Horton, Joel D.  
will give instruction #24a that defines wilfull.  
08:53:28 - Judge: Horton, Joel D.  
denies the request to amend instruction #24.  
08:53:49 - Judge: Horton, Joel D.  
indicates instruction #20 covers it.  
08:53:57 - Judge: Horton, Joel D.  
notes the Supreme Court has admonished the Court regarding jury instructions.  
08:54:13 - Judge: Horton, Joel D.  
will modify instruction #1 by redacting the aid and abet language.  
08:54:34 - Judge: Horton, Joel D.  
will try to conform the instructions given to the jury to the pattern jury  
08:54:47 - Judge: Horton, Joel D.  
instructions.  
08:55:39 - Pers. Attorney: Manweiler, Mark  
continues to believe the defense proposed instruction is more clear.  
08:55:54 - Pers. Attorney: Manweiler, Mark  
questions as to whether the redaction to instruction #1 will be pointed out  
08:56:06 - Pers. Attorney: Manweiler, Mark  
to the jury.  
08:56:17 - Pers. Attorney: Manweiler, Mark  
is still concerned about the aid and abet language.  
08:56:40 - Judge: Horton, Joel D.  
discusses having the State amend the indictment.  
08:56:51 - State Attorney: Armstrong, Shelley  
can amend the indictment, but does not want the not guilty language included.  
08:57:04 - Judge: Horton, Joel D.  
cannot invite the modification since the State has rested.  
08:57:13 - Judge: Horton, Joel D.  
will modify instruction #20, gives the proposed language.  
08:59:12 - Judge: Horton, Joel D.  
takes up instruction #19.  
08:59:18 - Pers. Attorney: Manweiler, Mark  
indicates the defendant will not testify.  
08:59:29 - Judge: Horton, Joel D.  
indicates the Court customarily questions the defendant.  
08:59:41 - Pers. Attorney: Manweiler, Mark  
indicates no objection.  
08:59:46 - Judge: Horton, Joel D.  
questions the defendant regarding her decision not to testify.  
09:00:08 - Defendant: THORNGREN, DONNA  
indicates it is her decision not to testify.  
09:00:18 - Defendant: THORNGREN, DONNA  
indicates no pressure has been placed on her and is of free will.  
09:00:34 - Pers. Attorney: Manweiler, Mark  
questions the Court and the Court responds.  
09:00:46 - Pers. Attorney: Manweiler, Mark  
questions as to closing arguments.  
09:00:51 - Judge: Horton, Joel D.

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indicates the parties can comment during closing arguments.

09:01:59 - Pers. Attorney: Manweiler, Mark  
questions the Court regarding the rules of sequestration.

09:02:32 - Judge: Horton, Joel D.  
responds.

09:03:02 - State Attorney: Armstrong, Shelley  
questions regarding the keys to the lock on the gun and the  
ammunition.

09:03:23 - Judge: Horton, Joel D.  
indicates the jury has been instructed not to alter any exhibit.

09:03:33 - Pers. Attorney: Manweiler, Mark  
has agreed to remove the keys if the Court would like.

09:03:49 - Other: Medema, Jonathan

09:03:50 - General:  
The bailiff discusses the keys.

09:04:01 - Judge: Horton, Joel D.  
indicates the Court will discuss the CD issue and readbacks.

09:04:23 - Judge: Horton, Joel D.  
will direct the jury will be instructed not to open exhibits

09:04:46 - Pers. Attorney: Manweiler, Mark  
requests a 5 minute break.

09:04:55 - Operator  
Stop recording: (Off Record)

09:10:54 - Operator  
Recording:

09:10:54 - Record  
THORNGREN, DONNA

09:10:54 - General:  
The jury is present.

09:11:24 - General:  
Counsel stipulate the jury is seated as sworn.

09:11:43 - Judge: Horton, Joel D.  
Witness ANALISA JUAREZ is sworn.

09:12:40 - State Attorney: Armstrong, Shelley  
resumes cross-examination.

09:18:28 - Pers. Attorney: Manweiler, Mark  
objects, hearsay, assumes facts not in evidence, sustained.

09:19:35 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 642, identified.

09:20:26 - State Attorney: Armstrong, Shelley  
offers State's exhibit 642, no objection, admitted.

09:25:39 - Pers. Attorney: Manweiler, Mark  
objects, asked and answered, sustained.

09:31:27 - Pers. Attorney: Manweiler, Mark  
objects, relevance, Ms. Armstrong responds.

09:31:51 - Judge: Horton, Joel D.  
overrules the objection.

09:32:45 - Pers. Attorney: Manweiler, Mark  
begins re-direct.

09:35:20 - State Attorney: Armstrong, Shelley  
begins re-cross.

09:36:48 - General:

09:36:59 - State Attorney: Armstrong, Shelley  
continues questions.

09:37:59 - General:  
There is nothing further, the witness is excused.

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09:38:06 - Pers. Attorney: Manweiler, Mark  
calls DETECTIVE JOE MILLER, sworn by the clerk.

09:38:30 - Pers. Attorney: Manweiler, Mark  
begins direct examination.

09:40:02 - Pers. Attorney: Manweiler, Mark  
has the witness view defense exhibits FF through TT, identified.

09:41:32 - Pers. Attorney: Manweiler, Mark  
offers FF thru TT, no objection, admitted.

09:53:50 - Pers. Attorney: Manweiler, Mark  
offers defense exhibit UU, stipulated by counsel.

09:54:02 - State Attorney: Armstrong, Shelley  
no objection.

09:54:05 - Judge: Horton, Joel D.  
admits defense exhibit UU.

10:02:53 - Pers. Attorney: Manweiler, Mark  
offers defense exhibits VV and WW, stipulated.

10:03:05 - State Attorney: Armstrong, Shelley  
no objection.

10:03:08 - Judge: Horton, Joel D.  
admits defense exhibits V V and WW.

10:14:26 - Judge: Horton, Joel D.  
instructs the jury.

10:15:17 - State Attorney: Armstrong, Shelley  
begins cross-examination.

10:20:04 - Pers. Attorney: Manweiler, Mark  
objects, relevance, sustained.

10:31:11 - Pers. Attorney: Manweiler, Mark  
objects, hearsay, sustained.

10:43:06 - Judge: Horton, Joel D.  
admonishes the jury for a break.

10:43:22 - Operator  
Stop recording: (Off Record)

10:56:20 - Operator  
Recording:

10:56:20 - Record  
THORNGREN, DONNA

10:56:21 - General:  
The jury is not present.

10:56:28 - Judge: Horton, Joel D.  
questions counsel regarding searching the luggage of the jury.

10:56:57 - Pers. Attorney: Manweiler, Mark  
will not ask the Court to do that.

10:57:03 - State Attorney: Armstrong, Shelley  
agrees with the defense.

10:57:17 - Pers. Attorney: Manweiler, Mark  
stipulates that the Court can advise the jury of the proceeds of the

10:57:27 - Pers. Attorney: Manweiler, Mark  
insurance.

10:59:07 - General:  
The jury is present.

10:59:35 - General:  
Counsel stipulate the jury is seated as sworn.

10:59:47 - Judge: Horton, Joel D.  
advises the jury of the stipulation by the parties.

11:00:27 - Judge: Horton, Joel D.

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reminds the witness of his previous oath.  
11:00:33 - State Attorney: Armstrong, Shelley resumes cross-examination.  
11:12:09 - Pers. Attorney: Manweiler, Mark objects, vauge, sustained.  
11:13:26 - Pers. Attorney: Manweiler, Mark begins re-direct.  
11:13:56 - Defendant: THORNGREN, DONNA  
11:17:53 - General:  
There is nothing further, the witness steps down.  
11:18:01 - Pers. Attorney: Manweiler, Mark indicates the defense rests.  
11:18:06 - State Attorney: Armstrong, Shelley calls KEVIN ROBERTSON, sworn by the clerk.  
11:18:15 - State Attorney: Armstrong, Shelley requests the Court release an exhibit for a witness to review.  
11:18:52 - State Attorney: Armstrong, Shelley requests to release 233, no objection.  
11:19:02 - Judge: Horton, Joel D. directs not to alter.  
11:19:10 - Other: Medema, Jonathan indicates incorrect exhibit.  
11:23:11 - Other: Medema, Jonathan obtains 227, no objection, releases to the State, directs not to alter.  
11:23:39 - State Attorney: Armstrong, Shelley begins direct examination.  
11:25:42 - General:  
The exhibit is returned to the Court.  
11:25:49 - Pers. Attorney: Manweiler, Mark begins cross-examination.  
11:26:31 - General:  
There is nothing further, the witness is excused.  
11:26:38 - State Attorney: Armstrong, Shelley  
11:28:23 - Other: Medema, Jonathan calls rebuttal witness RANDY PARKER.  
11:28:30 - Pers. Attorney: Manweiler, Mark has a matter to take up outside the presence of the jury.  
11:28:58 - General:  
The jury leaves the courtroom.  
11:29:38 - General:  
The jury is not present.  
11:29:48 - Pers. Attorney: Manweiler, Mark objects to the witness, not being called for a rebuttal purpose.  
11:30:46 - Other: Medema, Jonathan responds to the objection.  
11:31:41 - Pers. Attorney: Manweiler, Mark replies.  
11:32:02 - Judge: Horton, Joel D. indicates the issue was explored at length in the State's case, but the  
11:32:19 - Judge: Horton, Joel D. defense did not introduce a new subject matter.  
11:32:26 - Judge: Horton, Joel D. sustains the objection.  
11:32:35 - State Attorney: Armstrong, Shelley

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will be playing some phone calls of the defendant talking on the phone with

11:32:47 - State Attorney: Armstrong, Shelley  
Mike Soper from 2003.

11:34:31 - Pers. Attorney: Manweiler, Mark  
objects to the calls from Donna to Soper.

11:34:59 - State Attorney: Armstrong, Shelley  
indicates new evidence introduced in the defense case.

11:36:20 - Pers. Attorney: Manweiler, Mark  
replies.

11:39:30 - Judge: Horton, Joel D.  
as to the objection to the 2 calls between the defendant and Soper,

11:39:44 - Judge: Horton, Joel D.  
overruled, admitted for a limited purpose.

11:40:01 - Judge: Horton, Joel D.  
will not be admitted for other purposes advanced by the State.

11:40:36 - State Attorney: Armstrong, Shelley  
questions as to if counsel wants to review first.

11:40:51 - Judge: Horton, Joel D.  
will take a 15 minute recess for defense counsel to review the 3 audios.

11:40:58 - State Attorney: Armstrong, Shelley  
anticipates calling Cindy Hall re: red substance on the window sill.

11:41:43 - Pers. Attorney: Manweiler, Mark  
replies, cumulative and not rebuttal.

11:44:46 - Pers. Attorney: Manweiler, Mark  
indicates not rebuttal evidence.

11:45:00 - State Attorney: Armstrong, Shelley

11:45:04 - Judge: Horton, Joel D.  
questions Mr. Manweiler and he responds.

11:45:44 - State Attorney: Armstrong, Shelley  
replies.

11:46:28 - Pers. Attorney: Manweiler, Mark  
nothing further.

11:46:30 - Judge: Horton, Joel D.  
sustains as to the testing of the hall blood sample.

11:46:44 - Judge: Horton, Joel D.  
overrules the objection as to the spots on the window sill.

11:47:23 - Operator  
Stop recording: (Off Record)

12:10:42 - Operator  
Recording:

12:10:42 - Record  
THORNGREN, DONNA

12:10:43 - General:  
The jury is present.

12:11:11 - General:  
Counsel stipulate the jury is seated as sworn.

12:11:46 - State Attorney: Armstrong, Shelley  
calls rebuttal witness CINDY HALL, sworn by the clerk.

12:12:02 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:13:47 - Pers. Attorney: Manweiler, Mark  
nothing.

12:13:50 - General:

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There is nothing further, there is nothing further.

12:14:14 - State Attorney: Armstrong, Shelley  
calls rebuttal witness AMBER WHITMORE, sworn by the clerk.

12:20:15 - Pers. Attorney: Manweiler, Mark  
moves to strike, not rebuttal.

12:20:24 - Judge: Horton, Joel D.  
notes objections need to be timely.

12:20:40 - General:  
There is nothing further, the witness is excused.

12:20:52 - Pers. Attorney: Manweiler, Mark  
requests to approach.

12:20:57 - General:  
Counsel approach the bench.

12:21:39 - State Attorney: Armstrong, Shelley  
calls rebuttal witness KELSEY PROCTOR, sworn by the clerk.

12:22:33 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:23:22 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibit 643, identified.

12:24:38 - General:  
There is nothing further, the witness is excused.

12:24:46 - State Attorney: Armstrong, Shelley  
calls rebuttal witness DETECTIVE JIM MILLER, sworn by the clerk.

12:25:29 - State Attorney: Armstrong, Shelley  
begins direct examination.

12:25:51 - State Attorney: Armstrong, Shelley  
has the witness view State's exhibits 643, 644 and 644a, identified.

12:27:56 - State Attorney: Armstrong, Shelley  
offers State's exhibit 644a, no objection, admitted.

12:28:19 - Judge: Horton, Joel D.  
gives the limiting instruction.

12:29:58 - Judge: Horton, Joel D.

12:31:49 - State Attorney: Armstrong, Shelley  
publishes the 1st of 3 calls from State's exhibit 644a.

12:35:49 - General:  
Publication of the 1st call is complete.

12:35:55 - State Attorney: Armstrong, Shelley  
continues direct examination.

12:37:29 - General:

12:38:41 - General:  
Publication of track 2 of State's exhibit 644a begins.

12:40:06 - General:  
Publication of track 2 is complete.

12:40:24 - General:  
Publication of track 3 of State's exhibit 644a begins.

12:41:03 - General:  
Publication of State's exhibit 644 a is complete.

12:41:19 - Judge: Horton, Joel D.  
questions as to continued play.

12:41:30 - State Attorney: Armstrong, Shelley  
indicates it was just re-playing track 1.

12:42:31 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.

12:43:16 - General:  
There is nothing further, the witness is excused.

12:43:28 - State Attorney: Armstrong, Shelley

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calls rebuttal witness JAMIE LESLIE, sworn by the clerk.  
12:43:54 - State Attorney: Armstrong, Shelley  
begins direct examination.  
12:44:52 - Pers. Attorney: Manweiler, Mark  
objects, improper rebuttal, Ms. Armstrong responds.  
12:46:07 - General:  
Counsel approach the bench.  
12:47:48 - General:  
12:47:49 - Judge: Horton, Joel D.  
sustains the objection.  
12:47:52 - General:  
There is nothing further, the witness is excused.  
12:48:03 - State Attorney: Armstrong, Shelley  
calls rebuttal witness DETECTIVE JOE MILLER, reminded of previous oath.  
12:48:13 - State Attorney: Armstrong, Shelley  
begins direct examination.  
12:50:15 - General:  
There is nothing further, the witness is excused.  
12:50:25 - State Attorney: Armstrong, Shelley  
calls rebuttal witness CAROL ROPP, sworn by the clerk.  
12:51:09 - State Attorney: Armstrong, Shelley  
begins direct examination.  
12:54:17 - Pers. Attorney: Manweiler, Mark  
begins cross-examination.  
12:55:17 - General:  
There is nothing further, the witness is excused.  
12:55:27 - State Attorney: Armstrong, Shelley  
indicates the State rests.  
12:55:56 - Pers. Attorney: Manweiler, Mark  
calls sir-rebuttal witness DETECTIVE JOE MILLER.  
12:56:07 - Pers. Attorney: Manweiler, Mark  
begins direct examination.  
12:56:54 - General:  
There is nothing further, the witness is excused.  
12:57:02 - Pers. Attorney: Manweiler, Mark  
indicates the defense rests.  
12:57:06 - State Attorney: Armstrong, Shelley  
indicates the State rests.  
12:57:13 - Judge: Horton, Joel D.  
12:58:06 - Judge: Horton, Joel D.  
directs the jury to appear at 8:00 a.m. on Tuesday.  
12:58:44 - General:  
The jury is excused for the weekend.  
12:59:17 - General:  
The jury is not present.  
12:59:42 - General:  
Counsel request to review exhibits.  
13:00:09 - Operator  
Stop recording:

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